

SENATE

TUESDAY, JANUARY 2, 1951

(Legislative day of Monday, November 27, 1950)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, as the gateway of an old year has noiselessly closed behind us with its final record of "what we have written, we have written," may its mistakes and failures be left in the merciful shadows of the past. With renewed powers and with renewed souls, returning to the high tasks of this national chamber of deliberation, to Thee we turn with a solemn sense of our own inadequacy. With the dim lamps of our own devising we cannot find a sure and clear path through the tangled maze of this stricken generation.

Be Thou the guardian and guide of the unbeaten way our feet must take. Above all, give us a consuming passion, not for our own way but for Thy holy will. May Thy kingdom come to us and through us. May no cherished resentments, no camouflaged selfishness, no ingrained prejudices choke and clog the channels of our public service. Enlarge our spirits to meet the stupendous dimensions of these epic days. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. LUCAS, and by unanimous consent, the reading of the Journal of the proceedings of Friday, December 29, 1950, was dispensed with.

MESSAGES FROM THE PRESIDENT—
APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On December 27, 1950:

- S. 995. An act for the relief of Irene George Livanos;
- S. 1344. An act for the relief of Gerda Moiler Uldall and her son, Mikkel Moiler;
- S. 2420. An act for the relief of Shaoul Minashi Shami, Emily Shami, Joseph Clement Shami, and Charles Henry Shami;
- S. 2799. An act for the relief of Johan Wilhelm Adriaans;
- S. 2803. An act for the relief of Angela Maria Pisano;
- S. 2961. An act for the relief of Magdalena L. Jardeleza, Jr.;
- S. 2968. An act for the relief of Chen Hua Huang;
- S. 3066. An act for the relief of Dionisio Aguirre Irastorza;
- S. 3067. An act for the relief of Andres Aguirre Irastorza;
- S. 3263. An act to amend Veterans' Preference Act of 1944 with respect to certain mothers of veterans;
- S. 3406. An act for the relief of Lee Yee Yen;
- S. 3484. An act for the relief of Barbara Sugihara;
- S. 3519. An act authorizing the Secretary of the Interior to issue a patent in fee to James Chester Stevens;

S. 3654. An act to amend section 3 of the Postal Salary Act of July 6, 1945;

S. 3965. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Lamm Lumber Co.;

S. 4072. An act for the relief of Ella Stufka and her son;

S. 4074. An act for the relief of Pamela Bentley; and

S. 4102. An act relating to contracts for the transmission of mail by pneumatic tubes or other mechanical devices.

On December 28, 1950:

S. 2179. An act for the relief of Stephen A. Patkay and his wife, Madeline;

S. 3672. An act to amend section 3 (c) of the Civil Service Retirement Act so as to make the exclusion from such act of temporary employees of the Senate and House of Representatives inapplicable to such employees with one or more years of service;

S. 3910. An act relating to the assignment of surplus clerks in the Postal Transportation Service;

S. 4229. An act to extend to certain persons who served in the military, naval, or air service on or after June 27, 1950, the benefits of Public Law No. 16, Seventy-eighth Congress, as amended;

S. 4240. An act to amend the act incorporating the American Legion so as to redefine eligibility for membership therein; and

S. 4254. An act to redefine eligibility for membership in AMVETS (American Veterans of World War II).

On December 29, 1950:

S. 297. An act for the relief of Ruggiero Di Costanzo;

S. 3250. An act for the relief of Marne Post No. 28, American Legion, New Martinsville, W. Va.; and

S. 4234. An act to promote the foreign policy and provide for the defense and general welfare of the United States by furnishing emergency relief assistance to Yugoslavia.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Snader, its assistant reading clerk, informed the Senate that Hon. WILBUR D. MILLS, a Representative from the State of Arkansas, had been elected Speaker pro tempore during the absence of the Speaker.

The message announced that the House had passed, without amendment, the bill (S. 3295) to amend the Railway Labor Act and to authorize agreements providing for union membership and agreements for deductions from the wages of carriers' employees for certain purposes and under certain conditions.

The message also announced that the House had passed the bill (S. 2351) to simplify and consolidate the laws relating to the receipt of compensation from dual employments under the United States, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 9794) to amend section 22 (d) (6) of the Internal Revenue Code.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9798) to authorize a Federal civil defense program, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. DURHAM, Mr. KILDAY, Mr. PRICE, Mr. COLE of New York,

and Mr. ELSTON were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9798) to authorize a Federal civil defense program, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9827) to provide revenue by imposing a corporate excess profits tax, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9920) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON, Mr. MAHON, Mr. KIRWAN, Mr. TABER, and Mr. WIGLESWORTH were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill H. R. 9920, making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 4, 6, 12, and 15 to the bill, and concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 1, 5, 22, and 23, and concurred therein, each with an amendment, in which it requested the concurrence of the Senate, and that the House insisted upon its disagreement to the amendments of the Senate numbered 8 and 17 to the bill.

The message also announced that the House had passed a joint resolution (H. J. Res. 556) to authorize the President to issue posthumously to the late Walton Harris Walker, lieutenant general, Army of the United States, a commission as general, Army of the United States, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1139. An act for the relief of Mrs. Robert P. Horrell;

S. 2460. An act for the relief of George O. Drucker, Livia Drucker, and their minor daughter, Gloria Elizabeth Drucker;

S. 2888. An act for the relief of Frances Ethel Beddington;

S. 2981. An act for the relief of Giuseppe Merinet Forgnone;

S. 3044. An act for the relief of Berniece Josephine Lazaga;

S. 3125. An act for the relief of Dr. Lutfu Lahut Usman;

S. 3241. An act for the relief of George Brander Palohelmo and Eva Lenora Palohelmo;

S. 3259. An act for the relief of Ethelyn Isobel Chenailloy;
 S. 3260. An act for the relief of Richard H. Bush;
 S. 3261. An act for the relief of Willard Sidmer Ruttan;
 S. 3378. An act for the relief of Armando Santini;
 S. 3554. An act for the relief of Jose Manzano Somera;
 S. 3699. An act for the relief of Linda Leo;
 S. 3945. An act to amend sections 3052 and 3107 of title 18, United States Code, relating to the powers of the Federal Bureau of Investigation;
 S. 3966. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Forest Lumber Co.; and
 S. 3967. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Algoma Lumber Co. and its successors in interest, George R. Birkelund and Charles E. Siddall, of Chicago, Ill., and Kenyon T. Fay, of Los Angeles, Calif., trustees of the Algoma Lumber Liquidation Trust.

The message also announced that the Speaker pro tempore had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 9827. An act to provide revenue by imposing a corporate excess profits tax, and for other purposes; and
 H. R. 9832. An act to remove marketing penalties on certain long-staple cotton.

GEN. WALTON H. WALKER

Mr. JOHNSON of Texas. Mr. President, the Nation has been deeply shocked by the tragic loss of a brave and gallant soldier, Lt. Gen. Walton Walker.

General Walker had served his country with devotion and distinction for more than 40 years. He was a soldier's soldier who was loved by all ranks. As a battlefield leader during World War II he was almost without a peer in his ability to strike with sudden and devastating force. He was George Patton's strong right arm.

His performance as commanding general, Eighth Army, in Korea, has been as brilliant as any in the history of American fighting men. The tragedy of his death occurred at the peak of his career and at a time when our country sorely needs every fighting heart and valiant spirit.

General Walton Walker was from Belton, Tex.

We from Texas take great pride in the achievements of General Walker. He was a true Texan.

The position of Army commander carries with it the rank of general. General Walker was serving in that capacity as commanding general, Eighth Army, with the rank of lieutenant general. His promotion had been recommended, but had not at the time of his death actually been officially processed.

Yesterday the House, by House Joint Resolution 556, unanimously approved authority for the President to issue posthumously to General Walker a commission as general, Army of the United States.

There is a very recent precedent for this action. Last year the Congress, by joint resolution, authorized the President to issue posthumously to the late John Sidney McCain a commission as

admiral, United States Navy, to date from September 6, 1945. This joint resolution was adopted by the Congress in recognition of the late Admiral McCain's distinguished service to our country during World War II.

Mr. President, I ask unanimous consent for the immediate consideration of House Joint Resolution 556 so that our action will be taken before the time General Walker is laid to rest today in Arlington Cemetery.

The VICE PRESIDENT. The Secretary will state the joint resolution by title for the information of the Senate.

The LEGISLATIVE CLERK. A joint resolution (H. J. Res. 556) to authorize the President to issue posthumously to the late Walton Harris Walker, lieutenant general, Army of the United States, a commission as general, Army of the United States, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. WHERRY. Mr. President, reserving the right to object—and I shall not object, because I am heartily in favor of the joint resolution—I should like to ask whether the joint resolution has been reported unanimously by the committee?

Mr. JOHNSON of Texas. I will say to the distinguished minority leader that the committee has not had an opportunity to consider the joint resolution. However, I did discuss it with the acting chairman of the committee, the Senator from Georgia [Mr. RUSSELL], the ranking minority member of the committee, the Senator from New Hampshire [Mr. BRIGGS], and the Senator from Oregon [Mr. MORSE].

Mr. WHERRY. I merely wanted the RECORD to show that it is agreeable to the membership of the committee.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H. J. Res. 556) was considered, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. The Chair has received a communication from the President of the United States in regard to the joint resolution passed a moment ago with reference to General Walker. Without objection, the letter and accompanying paper will be referred to the Committee on Armed Services, and the letter will be printed in the RECORD. The Chair hears no objection.

The letter is as follows:

DEAR MR. VICE PRESIDENT: I recommend the enactment of legislation which would permit the posthumous appointment of the late Lt. Gen. Walton H. Walker to the grade of general in the Army of the United States. I believe that General Walker's outstanding accomplishments as commanding general of the Eighth United States Army in Korea fully entitles him to this recognition. He proved himself to be a brilliant military commander, and his indomitable courage was an inspiration to all the troops under his command.

Attached is a draft of a joint resolution which would authorize this appointment. I hope that it may receive prompt consideration by the Congress.

Sincerely yours,

HARRY S. TRUMAN.

CREDENTIALS

Mr. JOHNSON of Colorado presented the credentials of EUGENE D. MILLIKIN, duly chosen by the qualified electors of the State of Colorado, a Senator from that State, for the term beginning January 3, 1951, which were read and ordered to be filed, as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November 1950, EUGENE D. MILLIKIN was duly chosen by the qualified electors of the State of Colorado a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1951.

Witness: His Excellency, our Governor, Walter W. Johnson, and our seal hereto affixed at Denver this 27th day of November, in the year of our Lord 1950.

By the Governor:

WALTER W. JOHNSON,
Governor.

[SEAL]

GEO. J. BAKER,
Secretary of State.

Mr. KNOWLAND presented the credentials of RICHARD NIXON, duly chosen by the qualified electors of the State of California, a Senator from that State, for the term beginning January 3, 1951, which were read and ordered to be filed, as follows:

EXECUTIVE DEPARTMENT,
STATE OF CALIFORNIA.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November 1950, RICHARD NIXON, was duly chosen by the qualified electors of the State of California a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1951.

Witness: His Excellency, our Governor, Earl Warren, and our seal hereto affixed at Sacramento this 22d day of December, in the year of our Lord 1950.

By the Governor:

EARL WARREN,
Governor.

Attest:

[SEAL]

FRANK W. JORDAN,
Secretary of State.

ELMER BELLER—VETO MESSAGE (S. DOC. NO. 249)

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Senate, which was read, and ordered to lie on the table, as follows:

JANUARY 2, 1951.

To the PRESIDENT OF THE SENATE:

Attached hereto is a sealed envelope from, the President of the United States addressed to the President of the Senate of the United States, received by me at 12:48 p. m. on December 29, 1950, which purports to contain a veto message on the bill (S. 1528) for the relief of Elmer Beller.

Very respectfully,

LESLIE L. BIFFLE,
Secretary.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying

bill, referred to the Committee on the Judiciary and ordered to be printed:

To the United States Senate:

I return herewith, without my approval, S. 1528, for the relief of Elmer Beller.

This enrollment proposes to reimburse Mr. Beller for expenditure of his own funds paid to private physicians and hospitals for treatment of injuries received by him during the course of his civilian employment with the Federal Government.

Some time ago Mr. Beller filed a claim with the Bureau of Employees Compensation, Department of Labor, seeking the recovery of these same expenditures. I am informed that the Bureau of Employees Compensation is now in a position administratively to settle Mr. Beller's reimbursement claim under the terms and procedures of the Federal Employees Compensation Act.

Since the enactment of the present bill into law is unnecessary, I feel obliged to withhold my approval from it. As a matter of principle, I believe that it is always more desirable to bring about recompense for obligations of the United States under the provisions of general law than to resort to the enactment of private legislation.

HARRY S. TRUMAN.

THE WHITE HOUSE, December 29, 1950.

S. A. HEALY CO.—VETO MESSAGE
(S. DOC. NO. 250)

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Senate, which was read, and ordered to lie on the table, as follows:

JANUARY 2, 1951.

To the PRESIDENT OF THE SENATE:

Attached hereto is a sealed envelope from the President of the United States addressed to the President of the Senate of the United States, received by me at 12:48 p. m. on December 29, 1950, which purports to contain a veto message on the bill (S. 1816) for the reimbursement of the S. A. Healy Co.

Very respectfully,

LESLIE L. BIFFLE,
Secretary.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on the Judiciary and ordered to be printed:

To the United States Senate:

I return herewith, without my approval, the enrolled bill (S. 1816) for the reimbursement of the S. A. Healy Co.

The bill provides for payment to the S. A. Healy Co. of amounts not to exceed \$51,485.99 and \$40,887.97, under certain Navy contracts held by it, as reimbursement for and settlement of claims against the United States arising out of increases in the rate of wages payable under the contracts.

It appears that the increases in question resulted from action by the Wage Adjustment Board which granted an application of labor in the San Diego area authorizing the payment of higher wage rates. It was not a mandatory directive to do so. Furthermore, despite the fact

that this application was pending at the time claimants' contracts were entered into, the one on August 14 and the other on August 22, 1945, the bids submitted were based on existing wage rates. While it appeared at this time that adjustments of wages and material prices were imminent so far as the immediate future was concerned there were many who believed that postwar conditions might subsequently produce a period of downward readjustment in prices and wages. The work to be done under the contracts was to require several years—it was actually completed in September 1947.

The contracts each provided, as required by the Davis-Bacon Act (49 Stat. 1011), that the contractor should pay laborers and mechanics employed directly upon the site of the work at wage rates not less than those specified therein. There was no prohibition against the payment of higher wage rates; there was no guaranty on the part of the Government that prevailing wage rates might not later be higher than those specified, and there was no agreement on the part of the Government, expressly or impliedly, that in the event of a change in labor conditions, the contract price would be adjusted accordingly.

From these facts it appears that claimant company, with respect to wage and price increases, occupied a position identical with that of thousands of other war contractors who voluntarily assumed a risk in making bids on the basis of existing costs. There were other contractors who, like the Healy Co., lost money, and no reason appears why claimant company should be singled out for preferred treatment in this regard.

The courts have consistently held that only those contractors who paid increased wages as a result of Government compulsion on contracts for the Government can obtain judicial relief and that any voluntary payment of increased cost is not compensable. Furthermore, while the action of the Wage Adjustment Board undoubtedly had considerable indirect effect upon the contractor's operations, nevertheless it was not such as to render inapplicable the general rule of law that the Government as a contractor is not liable for its acts as a sovereign performed by agencies carrying out general programs in the national interest.

Every contract, either private or governmental, represents a risk voluntarily assumed by the contractor for the purpose of profit. That some of these undertakings prove to be unprofitable is unfortunate, but the Government cannot be expected to assume the financial liability therefor. There are no facts in this case which would distinguish claimant's position from that of countless other war contractors who sustained similar losses.

I do not believe that there are any equitable considerations here involved which justify my approval of this bill or which justify the granting of any relief other than that which would be afforded

in a claim brought before the Court of Claims under rules applicable to all.

Accordingly, I am withholding my approval of this bill.

HARRY S. TRUMAN.

THE WHITE HOUSE, December 29, 1950.

LOUIS E. GABEL—VETO MESSAGE (S. DOC. NO. 251)

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Senate, which was read and ordered to lie on the table, as follows:

JANUARY 2, 1951.

To the PRESIDENT OF THE SENATE:

Attached hereto is a sealed envelope from the President of the United States addressed to the President of the Senate of the United States, received by me at 12:48 p. m. on December 29, 1950, which purports to contain a veto message on the bill (S. 2702) for the relief of Louis E. Gabel.

Very respectfully,

LESLIE L. BIFFLE,
Secretary.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on the Judiciary and ordered to be printed:

To the United States Senate:

I return herewith, without my approval, the enrolled bill (S. 2702) for the relief of Louis E. Gabel.

The bill provides for payment of the sum of \$38,956.42 to Louis E. Gabel, an individual trading as Gabel Construction Co., of Orlando, Fla., in full satisfaction of his claim against the United States for uncompensated losses and damages sustained by him in the performance of a contract for the construction of a water-softening plant at Florida City, Fla., for the navy yard at Key West, Fla., as a result of a delay in receiving materials and equipment provided for in the contract.

The claimant was the beneficiary of a private relief act (Private Law No. 450, 80th Cong., 2d sess., July 2, 1948), which conferred jurisdiction upon the District Court of the United States for the Southern District of Florida to "hear, determine, and render findings of fact as to the amount of loss and damages, if any, sustained" by him in the performance of this contract, and directed the Secretary of the Treasury to pay to him the amount so ascertained. Claimant brought proceedings under this act seeking to recover \$226,251.15 in alleged losses and damages. After a full hearing before the court during which the claimant was given ample opportunity to present his evidence, the court rendered an award in the amount of \$26,132.69 as representing the amount of loss or damage suffered by the claimant in the performance of the contract, and this amount was paid to him on September 27, 1949. This judgment was not predicated on any liability of the United States for the losses or damages incurred, but was arrived at solely in accordance with the directive of the private act which limited the court to a

determination of the amount of such loss or damage without regard to its causation.

Thus, the claimant has had his day in court under the terms of a previous private jurisdictional relief act most favorable to him. As previously stated, Private Law No. 450 of the Eightieth Congress directed the court solely to "render findings of fact as to the amount of loss and damages sustained" and consequently precluded the raising of any defense by the United States that it was not responsible for the losses claimant incurred. The favorable treatment thus afforded the claimant was in fact made the subject of comment by the district court in the rendition of its award to him. The court stated:

The private act, conferring jurisdiction on this court for the purpose above stated, is a most unusual act. All other private acts conferring jurisdiction upon the courts for such determination, have been based on a claim for damages resulting from some alleged act of the United States, or agency thereof. In this case, no contention is made that the Government is liable for any damages growing out of the contract the Government had with Gabel.

As stated, these proceedings resulted in an award to the claimant of \$26,132.69. The award thus rendered constituted a judicial determination of the amount of losses or damages suffered by the claimant which is entitled to full respect. An additional appropriation such as is proposed by this bill for the purpose of making a further payment to claimant for his alleged losses must be regarded as a simple gratuity and is entirely unwarranted.

Accordingly, I am constrained to withhold my approval from the bill.

HARRY S. TRUMAN.

THE WHITE HOUSE, December 29, 1950.

CALL OF THE ROLL

Mr. LUCAS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Aiken	Hickenlooper	Morse
Anderson	Hill	Mundt
Benton	Hoey	Murray
Brewster	Holland	Neely
Bricker	Humphrey	O'Connor
Bridges	Hunt	O'Mahoney
Butler	Ives	Pastore
Byrd	Jenner	Pepper
Carlson	Johnson, Colo.	Robertson
Chapman	Johnson, Tex.	Russell
Chavez	Johnston, S. C.	Saltonstall
Clements	Kefauver	Schoeppel
Connally	Kerr	Smith, Maine
Cordon	Kilgore	Smith, N. J.
Donnell	Knowland	Smith, N. C.
Douglas	Langer	Sparkman
Dworshak	Lehman	Stennis
Eastland	Long	Taft
Eaton	Lucas	Taylor
Ellender	McCarran	Thomas, Utah
Ferguson	McClellan	Thye
Flinders	McFarland	Tobey
Frear	McKellar	Tydings
Fulbright	McMahon	Watkins
George	Magnuson	Wherry
Gillette	Malone	Wiley
Green	Martin	Williams
Gurney	Maybank	Young
Hayden	Millikin	
Hendrickson		

Mr. LUCAS. I announce that the Senator from Pennsylvania [Mr. MYERS]

and the Senator from Oklahoma [Mr. THOMAS] are necessarily absent.

Mr. SALTONSTALL. I announce that the Senator from Washington [Mr. CAIN] and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Indiana [Mr. CAPEHART], the Senator from California [Mr. NIXON], the Senator from Massachusetts [Mr. LODGE], and the Senator from Wisconsin [Mr. MCCARTHY] are necessarily absent.

The VICE PRESIDENT. A quorum is present.

NEW YEAR GREETINGS FROM THE VICE PRESIDENT

The VICE PRESIDENT. Before the Senate begins to transact business the Chair would like to wish all Senators and all employees of the Senate and of Senators, as well as members of the press, a very happy and prosperous new year.

To those who are departing from our membership, whether voluntarily or otherwise, the Chair wishes long life and success in whatever may be their endeavors hereafter.

The Chair also expresses the hope that in this new year, in some way or other, we may justify a greater hope for peace and accord among the nations of the world and the peoples of the world than we have been able to attain during the past year.

Mr. WHERRY. Mr. President, I want the RECORD to show that at least the minority—and I am sure I speak the sentiments of all Members of the Senate—wish the Vice President a happy new year at the beginning of the fine new year of 1951.

The VICE PRESIDENT. The Chair thanks the Senator.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

CIVIL DEFENSE COMPACT

The VICE PRESIDENT laid before the Senate a communication from the secretary of state of New Hampshire, transmitting a compact with reference to civil defense, which, with the accompanying compact, was referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

The State of New Hampshire, through its governor, Sherman Adams, duly authorized, solemnly agrees with any other State which is or may become a party to this compact, as follows:

ARTICLE 1

The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source, is essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and all such resources, including personnel, equipment or supplies,

shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the States that are parties hereto. The directors of civil defense of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

ARTICLE 2

It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party States shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;

(b) Black-outs and practice black-outs, air-raid drills, mobilization of civil defense forces and other tests and exercises;

(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during and subsequent to drills or attacks;

(h) The safety of public meetings or gatherings; and

(i) Mobile support units.

ARTICLE 3

Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving State), duties, rights, privileges, and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.

ARTICLE 4

Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate, or other permit as if issued in the State in which aid is rendered.

ARTICLE 5

No party State or its officers or employees rendering aid in another State pursuant to

this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

ARTICLE 6

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more States may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States, and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation, and communications personnel, equipment, and supplies.

ARTICLE 7

Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

ARTICLE 8

Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of, any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding party State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or costs; and provided further, that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to, and the transportation, subsistence, and maintenance expenses of, such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment, or facilities so utilized or consumed.

ARTICLE 9

Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil-defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expendi-

tures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

ARTICLE 10

This compact shall be available to any State, Territory, or possession of the United States, and the District of Columbia. The term "State" may also include any neighboring foreign country or province or state thereof.

ARTICLE 11

The committee established pursuant to article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

ARTICLE 12

This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

ARTICLE 13

This compact shall continue in force and remain binding on each party State until the legislature or the governor of such party State takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the governor of the party State desiring to withdraw to the governors of all other party States.

ARTICLE 14

This compact shall be construed to effectuate the purposes stated in article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

Given at the executive chambers in Concord this 29th day of December in the year of our Lord 1950.

In witness whereof I hereby affix my signature, pursuant to the authority vested in me as Governor of the State of New Hampshire, by section 5, paragraph V, of chapter 304 of the New Hampshire Session Laws of 1949.

SHERMAN ADAMS,
Governor.

Attest:

ENOCH D. FULLER,
Secretary of State.

ALLOCATION OF DAIRY MACHINERY— RESOLUTION OF WISCONSIN ASSOCIATION OF ICE CREAM MANUFACTURERS

Mr. WILEY. Mr. President, I have received a very important resolution adopted by the Wisconsin Ice Cream Manufacturers Association at its thirty-sixth annual convention, pertaining to dairy machinery.

I believe that unfortunately it is not generally appreciated how absolutely essential it is that a continued flow of milk and related machinery be assured for

the dairy industry, if it is to be adequate to its tremendous production requirements for the defense and health effort. I thoroughly endorse the sentiments expressed by the ice cream manufacturers' resolution on this score, and promise complete cooperation toward proper allocation of machinery. I ask unanimous consent that the text of this resolution as forwarded by Paul Carver, secretary of the association, be printed in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed in the RECORD, as follows:

To Our Representatives, Senators, and All Federal Agencies in Charge of Allocation of Vital Materials:

Whereas the membership of the Wisconsin Ice Cream Manufacturers Association, during its thirty-sixth annual convention, has given due and serious consideration to its responsibility of supplying the public uninterruptedly with one of the basic seven foods during any possible emergency; and

Whereas such uninterrupted supply of such dairy food is in the greatest interest of public health and safety; and

Whereas the manufacturing and distribution of such food is, and always will be, dependent on an uninterrupted flow of necessary machinery and media of transportation: Be it therefore

Resolved, That the membership of this industry, assembled at this convention respectfully requests the House of Representatives, the United States Senate, and all other Federal agencies, having jurisdiction over such allocations, that the needs of this industry be given full consideration in the interest of such public health and safety; and be it further

Resolved, That the International Association of Ice Cream Manufacturers, its officers and directors are hereby requested to work and cooperate with all Federal agencies toward a comprehensive study of this vital question in the interest of public welfare and this industry, and that a copy of this resolution be sent to every Wisconsin Member of the House of Representatives and Members of the United States Senate.

WISCONSIN ICE CREAM
MANUFACTURERS ASSOCIATION,
P. C. CARVER, Secretary,
WM. ERNST,
WALTER HERSCHLEB,
C. E. LEMKE,
ROSALIE SMITH,
Resolution Committee.

IMPORTATION OF FURS FROM RUSSIA— RESOLUTION OF EXECUTIVE COUNCIL, WISCONSIN CONSERVATION CONGRESS

Mr. WILEY. Mr. President, at the December 19 meeting of the executive council of the Wisconsin Conservation Congress, there was adopted an important resolution affecting every fur farmer in Wisconsin and the Nation; but more important, affecting our entire relations with the Soviet Union. This resolution pertained to the continued dumping of Russian and satellite furs into the United States and Canada. I have previously commented on this issue on the floor of the Senate, pointing out the terrific damage that has been done to American fur farmers.

In recent months, many longshoremen have protested against being required to unload these furs—furs which

involve payments of money to Russia and to her satellites, at the very time Russian funds and Russian guns are being used to kill American soldiers.

I present for appropriate reference and ask unanimous consent, therefore, that there be printed in the RECORD the resolution received from Richard Hemp, chairman of the executive council of the Wisconsin Conservation Congress. The council consists of three committeemen from each county, who are elected to represent the people of their area on conservation affairs.

There being no objection, the resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

RESOLUTION OPPOSING IMPORTATION OF FURS FROM RUSSIA AND ITS SATELLITES INTO UNITED STATES AND CANADA

Whereas the fur markets of the United States are constantly being demoralized by large importations of furs from Communist Russia and its satellites; and

Whereas the Russian Government in past years has sold millions of dollars' worth of fur in the United States, which fact has contributed materially to the low ebb in the market on furs produced in this country and at the same time provided American dollars which may be used to increase the military strength of Soviet Russia and her satellites: Now, therefore, be it

Resolved by the executive council of the Wisconsin Conservation Congress assembled in session at Stevens Point, Wis., this 9th day of December 1950, That this deplorable situation be called to the attention of the President of the United States, as well as the United States Senators and Members of Congress from the State of Wisconsin that this intolerable position be corrected at the earliest possible date.

PROCEEDINGS AGAINST HENRY W. GRUNEWALD FOR CONTEMPT OF SENATE—REPORT OF A COMMITTEE (S. REPT. NO. 2701)

Mr. NEELY, from the Committee on the District of Columbia, submitted a report relating to proceedings against Henry W. Grunewald for refusal to answer certain pertinent questions pertaining to wire tapping in the District of Columbia, which was ordered to be printed.

WIRE TAPPING IN THE DISTRICT OF COLUMBIA—REPORT OF A COMMITTEE (S. REPT. NO. 2700)

Mr. PEPPER, from the Committee on the District of Columbia, submitted a report relating to wire tapping in the District of Columbia, which was ordered to be printed.

REPORTS OF PERSONNEL AND FUNDS BY COMMITTEE ON ARMED SERVICES

Pursuant to Senate Resolution 123, Eightieth Congress, first session, the following reports were received by the Secretary of the Senate:

DECEMBER 30, 1950.

REPORT OF COMMITTEE ON ARMED SERVICES TO THE SECRETARY OF THE SENATE:

The above-mentioned committee, pursuant to Senate Resolution 123, Eightieth Congress, first session, submits the following report showing the name, profession, and total salary of each person employed by it and its subcommittees for the period from July 1, 1950, to December 30, 1950, together with the

funds available to and expended by it and its subcommittees:

Name and profession	Rate of gross annual salary	Total salary received
J. Nelson Tribby, chief clerk.....	\$10,846.00	\$5,423.00
Justice M. Chambers, staff adviser.....	10,846.00	5,423.00
Mark H. Galusha, staff adviser.....	10,846.00	5,423.00
Verne D. Mudge, staff adviser.....	10,846.00	5,423.00
Herbert S. Atkinson, assistant chief clerk.....	7,109.06	3,554.53
Georgia P. Earle, clerical assistant.....	4,154.38	2,077.19
Irene P. Gray, clerical assistant.....	4,154.38	2,077.19
Roberta R. Van Beek, ¹ clerical assistant.....	4,154.38	807.98
Maurine E. Klingaman, ² clerical assistant.....	3,806.78	951.69

¹ July 1 through Sept. 9, 1950.

² Oct. 1 through Dec. 30, 1950.

Funds authorized or appropriated for committee expenditure, 81st Cong.....	\$10,000.00
Funds authorized by S. Res. 149, Aug. 11, 1941.....	10,000.00
Total.....	20,000.00
Amount expended Jan. 1, 1949, to June 30, 1950.....	15,876.96
Amount expended July 1 to Dec. 30, 1950.....	4,123.04
Balance unexpended Dec. 30, 1950.....	2,632.92
Balance unexpended Dec. 30, 1950.....	1,490.12

M. E. TYDINGS,
Chairman.

DECEMBER 30, 1950.

REPORT OF COMMITTEE ON ARMED SERVICES PREPAREDNESS SUBCOMMITTEE—PURSUANT TO SENATE RESOLUTION 93, EIGHTIETH CONGRESS TO THE SECRETARY OF THE SENATE:

The above-mentioned committee, pursuant to Senate Resolution 123, Eightieth Congress, first session, submits the following report showing the name, profession, and total salary of each person employed by it and its subcommittees for the period from July 1, 1950, to December 30, 1950, together with the funds available to and expended by it and its subcommittees:

Name and profession	Rate of gross annual salary	Total salary received
Lyon L. Tyler, Jr., assistant chief counsel, from Sept. 18, 1950.....	\$7,526.46	\$2,171.10
Horace W. Busby, Jr., principal clerk, from Sept. 18, 1950.....	7,526.46	2,171.10
Richard O. Ridgeway, Jr., investigator, from Sept. 21, 1950.....	6,500.74	1,625.13
Arthur D. Horner, investigator, from Oct. 2, 1950.....	6,500.74	1,625.13
Robert B. Sheldon, investigator, from Oct. 2, 1950.....	6,500.74	1,625.13
Dorothy J. Nichols, assistant administrative clerk, from Sept. 11, 1950.....	4,675.00	1,438.72
Wallace L. Engle, stenographer, from Aug. 28, 1950.....	3,806.78	1,243.57
Helen S. Karpowicz, stenographer, from Aug. 28, 1950.....	3,806.78	1,243.57
Maurine E. Klingaman, stenographer, from Sept. 11 to Sept. 30, 1950.....	3,806.78	208.60
Willie Day Taylor, stenographer, from Dec. 21, 1950.....	3,632.97	109.45

Funds authorized or appropriated for subcommittee expenditure by S. Res. 93.....	\$25,000.00
Amount expended.....	17,847.05
Balance unexpended.....	7,152.95

M. E. TYDINGS,
Chairman.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, January 2, 1951, he presented to the President of the United States the following enrolled bills:

S. 1139. An act for the relief of Mrs. Robert P. Horrell;

S. 2460. An act for the relief of George O. Drucker, Livia Drucker, and their minor daughter, Gloria Elizabeth Drucker;

S. 2888. An act for the relief of Frances Ethel Beddington;

S. 2981. An act for the relief of Giuseppe Merlinet Forgnone;

S. 3044. An act for the relief of Berniece Josephine Lazaga;

S. 3125. An act for the relief of Dr. Lutfu Lahut Usman;

S. 3241. An act for the relief of George Brander Paloheimo and Eva Lenora Paloheimo;

S. 3259. An act for the relief of Ethelyn Isobel Chenallo;

S. 3260. An act for the relief of Richard H. Bush;

S. 3261. An act for the relief of Willard Sidmer Rutan;

S. 3295. An act to amend the Railway Labor Act and to authorize agreements providing for union membership and agreements for deductions from the wages of carriers' employees for certain purposes and under certain conditions;

S. 3378. An act for the relief of Armando Santini;

S. 3554. An act for the relief of Jose Manzano Somera;

S. 3699. An act for the relief of Linda Leo;

S. 3945. An act to amend sections 3052 and 3107 of title 18, United States Code, relating to the powers of the Federal Bureau of Investigation;

S. 3966. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Forest Lumber Co.; and

S. 3967. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Algoma Lumber Co. and its successors in interest, George R. Birkelund and Charles E. Siddall, of Chicago, Ill., and Kenyon T. Fay, of Los Angeles, Calif., trustees of the Algoma Lumber Liquidation Trust.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on the Judiciary.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. McCARRAN, from the Committee on the Judiciary:

Alfred E. Modarelli, of New Jersey, to be United States district judge for the district of New Jersey;

John Patrick Hartigan, of Rhode Island, to be United States circuit judge, first circuit, vice John C. Mahoney, retired;

Edward L. Leahy, of Rhode Island, to be United States district judge for the district of Rhode Island, vice John Patrick Hartigan, elevated;

Everett M. Grantham of New Mexico to be United States attorney for the district of New Mexico; and

Martin Lopez, of New Mexico, to be United States marshal for the district of New Mexico, vice Felipe Sanchez y Baca, retired.

CULTURAL CONVENTION WITH BRAZIL—REMOVAL OF INJUNCTION OF SECRECY

The VICE PRESIDENT. As in executive session the Chair lays before the

Senate Executive X, Eighty-first Congress, second session, a cultural convention between the United States of America and the United States of Brazil, signed at Washington on October 17, 1950. Without objection, as in executive session, the injunction of secrecy will be removed from the convention, and the convention, together with the President's message of transmittal, will be referred to the Committee on Foreign Relations, and the President's message will be printed in the RECORD. The Chair understands the Senator from Texas is agreeable that the injunction of secrecy be removed.

The President's message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the cultural convention between the United States of America and the United States of Brazil, signed at Washington on October 17, 1950.

I transmit, also, for the information of the Senate, the report by the Secretary of State with respect to the convention.

HARRY S. TRUMAN.

JANUARY 2, 1951.

(Enclosures: (1) Report by the Secretary of State; (2) cultural convention with Brazil, signed October 17, 1950.)

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Snader, its assistant reading clerk, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

H. R. 9794. An act to amend section 22 (d) (6) of the Internal Revenue Code; and H. J. Res. 556. Joint resolution to authorize the President to issue posthumously to the late Walton Harris Walker, lieutenant general, Army of the United States, a commission as General, Army of the United States, and for other purposes.

ADDRESS BY SENATOR PEPPER BEFORE THE KOJUNSHA CLUB, TOKYO

[Mr. MURRAY asked and obtained leave to have printed in the RECORD an address delivered by Senator PEPPER before the Kojunsha Club, Tokyo, on November 16, 1950, which appears in the Appendix.]

PENETRATION PROGRAM AGAINST COMMUNISM—STATEMENT BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD a statement prepared by him urging a worldwide penetration program against communism, together with certain telegrams and letters received by him on the same subject, and an article from the Reader's Digest, which appear in the Appendix.]

ADDRESS BY HENRY FORD II TO NATIONAL FARM BUREAU FEDERATION

[Mr. KERR asked and obtained leave to have printed in the RECORD an address delivered by Henry Ford II, president of the Ford Motor Co., at the annual convention of the National Farm Bureau Federation, at Dallas, Tex., on December 13, 1950, which appears in the Appendix.]

SHERIDAN DOWNEY, STATESMAN—LETTER FROM ALFONSO MIRABEL

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD a tribute to Senator Downey, written by Alfonso Mirabel, which appears in the Appendix.]

FAT UN EMPLOYEE PAY FOR DOLING OUT RELIEF AROUSES ARABS' WRATH—ARTICLE BY DOROTHY THOMPSON

[Mr. BUTLER asked and obtained leave to have printed in the RECORD an article entitled "Fat UN Employee Pay for Doling Out Relief Arouses Arabs' Wrath," written by Miss Dorothy Thompson, and published in the Washington Star of December 30, 1950, which appears in the Appendix.]

A COMPARISON OF AMERICAN AND SOVIET DEMOCRACY—ARTICLE BY ROBERT G. SIMMONS

[Mr. BUTLER asked and obtained leave to have printed in the RECORD an article entitled "Do We Want What They Have?—A Comparison of American and Soviet Democracy," written by Robert G. Simmons, Chief Justice of the Supreme Court of Nebraska, and published in the November 1950 issue of the American Bar Association Journal, which appears in the Appendix.]

POWER IS OUR BEST FRIEND NOW—EDITORIAL FROM THE FARM JOURNAL

[Mr. THYE asked and obtained leave to have printed in the RECORD an editorial entitled "Power Is Our Best Friend Now," published in a recent edition of the Farm Journal, which appears in the Appendix.]

OUR NATIONAL LEADERS SHOULD AVOID ARROGANCE, BELLIGERENCY, AND A SENSE OF INFALLIBILITY—OPEN LETTER TO THE PRESIDENT

[Mr. KEM asked and obtained leave to have printed in the RECORD an open letter addressed to President Truman, and read by Rev. T. T. Swearingen, pastor of the Oak Park Christian Church, Kansas City, Mo., to his congregation on December 24, which appears in the Appendix.]

REPUBLICAN DEMANDS FOR GREATER SHARE IN SHAPING FOREIGN POLICY

[Mr. KEM asked and obtained leave to have printed in the RECORD an editorial from the Springfield (Mo.) Bias of December 13, 1950, relating to Republican demands for a greater share in shaping foreign policy, which appears in the Appendix.]

GOVERNOR DEWEY'S SENATE INFORMATION SECOND-HAND—RELEASE BY SENATOR MALONE

[Mr. MALONE asked and obtained leave to have printed in the RECORD a release entitled "Governor Dewey's Senate Information Second-hand," which appears in the Appendix.]

UNDER COVER OF WAR NEWS STATE DEPARTMENT SELLING OUT AMERICAN ECONOMY AT TORQUAY CONFERENCE—RELEASE BY SENATOR MALONE'S OFFICE

[Mr. MALONE asked and obtained leave to have printed in the RECORD a release by his office on December 27, 1950, entitled "Under Cover of War News State Department Selling Out American Economy at Torquay Conference," which appears in the Appendix.]

MALONE ASSAILS ATTLEE FOR ROLE IN PARLEY HERE—EDITORIAL FROM WASHINGTON TIMES-HERALD

[Mr. MALONE asked and obtained leave to have printed in the RECORD an editorial entitled "MALONE Assails Attlee for Role in

Parley Here," published in the Washington Times-Herald of December 6, 1950, which appears in the Appendix.]

BACKS HEARST ON UN "BETRAYAL" OF UNITED STATES—ARTICLE FROM NEW YORK JOURNAL-AMERICAN

[Mr. MALONE asked and obtained leave to have printed in the RECORD an article entitled "Backs Hearst on UN 'Betrayal' of United States," published in the New York Journal-American, December 26, 1950, which appears in the Appendix.]

MALONE HITS TARIFF POLICY—ARTICLE FROM NEW YORK JOURNAL-AMERICAN

[Mr. MALONE asked and obtained leave to have printed in the RECORD an article entitled "MALONE Hits Tariff Policy," published in the New York Journal-American, December 27, 1950, which appears in the Appendix.]

MALONE WARNS AGAINST THE GRAY REPORT—EDITORIAL FROM MINERAL COUNTY (NEV.) INDEPENDENT-NEWS

[Mr. MALONE asked and obtained leave to have printed in the RECORD an editorial entitled "MALONE Warns Against the Gray Report," published in the Mineral County (Nev.) Independent-News of December 13, 1950, which appears in the Appendix.]

ACTIVITIES AND ACCOMPLISHMENTS OF THE SENATE COMMITTEE ON BANKING AND CURRENCY

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that there be printed in the body of the RECORD a statement prepared by the chairman of the Senate Committee on Banking and Currency, the senior Senator from South Carolina [Mr. MAYBANK] giving a summary of the activities and accomplishments of the committee during the Eighty-first Congress.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SUMMARY OF ACTIVITIES AND ACCOMPLISHMENTS OF THE SENATE BANKING AND CURRENCY COMMITTEE DURING THE EIGHTY-FIRST CONGRESS

As chairman of the Senate Banking and Currency Committee, I would like to submit for the RECORD a rather brief summary of the activities and accomplishments of your committee during this Congress. It is a record to which every member of the committee contributed heavily and one of which each can be deservedly proud. I wish to express my deep appreciation to every member of the committee for his loyalty, help, cooperation, and friendship throughout this Congress during which I was privileged to serve as chairman. We were confronted with difficult, complex, and controversial legislative proposals and it was only because of the real teamwork that existed that we were able to do our job as successfully as we have.

Under the Legislative Reorganization Act the Banking and Currency Committee is charged with the responsibility of considering and acting on all matters relating to the following subjects:

1. Banking and currency generally.
2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.
3. Deposit insurance.
4. Public and private housing.
5. Federal Reserve System.
6. Gold and silver, including the coinage thereof.

7. Issuance of notes and redemption thereof.
8. Valuation and revaluation of the dollar.
9. Control of prices of commodities, rents, or services.

Broadly speaking your committee during 1949 and 1950 concentrated its efforts on legislation aimed at developing and maintaining a high level of peacetime economic activity. Certain wartime controls had to be continued temporarily, but were revised to encourage and hasten the return to normal conditions, others were allowed to lapse or were terminated. Housing, the shortage of which had become so acute previous to and during the war period, was a field of major legislative concern. The banking and credit machinery of the country was made to operate on a more efficient basis. The problem of small business was investigated and legislative and other means were devised and developed for its fuller participation in the economy of the country. As the Eighty-first Congress drew to a close we were once again confronted by a need for wartime controls on production, prices and credit and for devising methods of encouraging and inducing production for defense.

The major problems and the legislation considered by your committee were for the most part highly technical and complex and much of it was highly controversial, and of tremendous public interest and concern. In all, your committee had before it for consideration during the two sessions 168 bills and resolutions and 28 confirmations. Your committee held 145 sessions of hearings and 87 executive sessions. Fifty-one reports on bills and resolutions were presented to the Senate and seven special reports were issued. Thirty-six bills acted upon by the committee became public law.

HOUSING LEGISLATION

In 1950 over 1,200,000 housing units were started—some 500,000 more than the immediate prewar peak in 1941 of 706,000 units. Your committee deserves a share of the credit for this remarkable record, for to a large extent this phenomenal achievement can be directly attributable to the many and varied programs of Federal financial aid and assistance. In the main the Federal program operated through the traditional channel of private enterprise; to a very small but necessary extent through local public bodies. The aim of all the legislation was to provide an opportunity for a decent home for every citizen.

The Housing Act of 1949 (Public Law 171, approved July 15, 1949)

The Housing Act of 1949 provided the first over-all approach to the whole problem of housing. Your committee enacted proposals which had been under consideration by the Congress since 1945, and established for the first time national housing objectives and the policies to be followed in attaining them. The declaration of national housing policy states that the general welfare and security of the Nation require the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family. The act provides that private housing enterprise shall be encouraged to serve as large a part of the total need as it can; that local public bodies shall be encouraged to undertake positive programs to assist the development of well-planned residential neighborhoods, the development and redevelopment of communities, and the production at lower costs of housing of sound standards of design, construction, livability, and size for adequate family life; and that governmental assistance shall be given where the need is not being met through reliance solely upon private enterprise.

Title I of the act authorized the Housing and Home Finance Administrator to make loans and grants to localities to assist locally initiated, locally planned, and locally managed slum clearance and urban redevelopment

undertakings. The act authorizes \$1,000,000,000 in loans and \$500,000,000 in grants over a 5-year period. As a condition to Federal aid there must be a feasible method for the temporary relocation of families displaced from the slum clearance area and the permanent provision of decent, safe, and sanitary dwellings at prices and rents within the financial means of such families. (First preference to such displaced families of low income is required in low-rent public housing projects provided under title III of the act.)

Title III of the act amends the United States Housing Act of 1937 by authorizing Federal contributions and loans for local programs involving not to exceed 810,000 additional units of low-rent public housing over a 6-year period. (NOTE.—The President's letter of July 18, 1950, requested the Housing and Home Finance Administrator, as a measure to lessen inflationary tendencies and to conserve materials for national defense purposes, to limit the commencement of construction of public housing to not more than 30,000 dwelling units in the first 6 months of fiscal year 1951, pending a reexamination of the public housing program in terms of the international situation.)

The 1937 act was amended to strengthen the statutory safeguards to assure occupancy of the projects by low-income families in need of adequate housing. Eligible families displaced by slum-clearance projects aided under title I of the Housing Act of 1949 are given first preference for admission to low-rent housing, with preferences among such families to veterans and families of deceased veterans and servicemen. As among families who have not been displaced by slum clearance, preference shall be extended to veterans and servicemen, and among such, families of veterans with service-connected disabilities have first preference and families of deceased veterans and servicemen whose death was service-connected have second preference.

The act fixes the limitation on the cost of construction and equipment of dwelling facilities at \$1,750 per room. An increase in the cost limitation of not more than \$750 per room is authorized in areas where it would not be feasible without such increase to construct sound housing. In no event may a project be of elaborate or extravagant design or materials.

The housing-research program authorized by the Housing Act of 1948 was enlarged. The Housing and Home Finance Administrator is authorized by title IV of the Housing Act of 1949 to undertake and conduct technical research and studies which will promote reduction in housing construction and maintenance costs and stimulate the increased production of housing. The Administrator shall also prepare estimates of national housing needs and encourage and assist localities to make studies of their own housing needs and markets and plans for housing and community development.

Title II of the act provided for temporary extensions (through August 31, 1949) of FHA's title I and section 608 insurance operations; also for a \$500,000,000 increase in FHA's title II mortgage insurance authorization. The extensions under title I relate to small loans for home alteration and improvement and new construction and under section 608 to rental housing. The title II mortgage insurance applies to owner occupied, small- and large-scale rental and sales housing, and cooperative housing.

Title V provided a new program in the Department of Agriculture of technical services, loans and grants, and an expanded farm housing research program for the improvement of farm housing and other farm buildings.

The act directed the Director of the Census to take a census of housing in 1950 and decennially thereafter.

INTERIM HOUSING AMENDMENTS—1949

Public Law 278, approved August 30, 1949, extended FHA title I authority to insure loans for home modernization and improvement until November 1, 1949, extended FHA section 608 rental housing mortgage insurance until November 1, 1949, and increased the title II FHA mortgage insurance authorization to \$6,000,000,000.

Public Law 387, approved October 25, 1949, was enacted as interim legislation pending continued consideration by the second session of the Eighty-first Congress in 1950 of other phases of the housing problem which had not been covered by the Housing Act of 1949, notably the need for developing means of providing additional housing for middle- and lower-middle-income families, and revisions in the Federal Government's secondary market facilities for GI and FHA loans. It also extended FHA mortgage insurance authorizations as follows: Title I from November 1, 1949, to March 1, 1950, and from \$200,000,000 to \$225,000,000. Title II from \$6,000,000,000 to \$6,750,000,000. Section 608 from October 31, 1949, through March 1, 1950, and from \$6,150,000,000 to \$6,650,000,000. In addition, it exempted certain GI home loans from restrictions on the number of such loans which might be sold to the Federal National Mortgage Association by lenders.

HOUSING ACT OF 1950 (PUBLIC LAW 475, APPROVED APRIL 20, 1950)

The Housing Act of 1950 added a new section 8 to the national housing act providing a new FHA mortgage insurance program for low-cost homes in suburban and outlying areas. This program replaces the former class 3 FHA loans. The section 8 authorization is limited to \$250,000,000.

The FHA title I authorization to insure lenders against losses on home modernization and repair loans was extended to July 1, 1955. A new formula was provided which limits the total amount of such outstanding insured loans to \$1,250,000,000. This amounts to an increase in authorization of approximately \$500,000,000.

The FHA title II home-mortgage-insurance authorization was increased by \$2,250,000,000 to a total authorization of not more than \$9,000,000,000, and the program was revised to stimulate more lower-cost homes of a size adequate for family life.

The section 207 FHA rental-housing-mortgage-insurance program was amended to continue the stimulation of rental-housing construction formerly provided by the temporary section 608 rental-housing program. Provisions were added to section 207 requiring certification by the mortgagor that there will be no discrimination in the selection of tenants by reason of the fact that there are children in the families.

New provisions were added to the National Housing Act liberalizing the FHA program of mortgage insurance for projects of housing cooperatives. The act required the appointment of a new Assistant Commissioner of FHA to administer cooperative housing mortgage insurance and to furnish technical advice and assistance to such housing.

An increase of \$500,000,000 in the mortgage-insurance authority under section 608 of the National Housing Act was provided in order that applications for section 608 mortgage insurance on rental housing received in the FHA field offices on or before March 1, 1950, might be processed. (Section 608 authority was a temporary emergency program and no more applications can be processed under that section.)

Section 610 of the National Housing Act was amended to make mortgage insurance in connection with the sale of war housing by the Government or any public-housing agency applicable also to the sale of war housing constructed under Public Law 671, Seventy-sixth Congress.

The FHA mortgage-insurance authorization was liberalized covering insurance of loans to finance the manufacture of houses and to finance large-scale modernized site construction of housing.

The Servicemen's Readjustment Act of 1944 was amended by raising the maximum maturity of GI loans from 25 to 30 years; by raising the maximum home loan guaranty from \$4,000 or 50 percent of the loan to \$7,500 or 60 percent of the loan; to require all homes financed by GI home loans to meet construction requirements prescribed by the Veterans' Administration; to abolish combination VA-FHA loans effective December 31, 1950; and to provide for stand-by direct home loans to veterans unable to obtain loans under the terms of the act from private sources. (Note: Down payments and maximum maturities have been changed under new anti-inflation controls.)

The Housing Act of 1950 provided for the disposition of all war and veterans' housing under the jurisdiction of the Housing and Home Finance Agency and for the transfer of the farm labor camps under the jurisdiction of the Secretary of Agriculture to the Public Housing Administration for management and disposal. (Program being reexamined due to international situation.)

The Housing and Home Finance Administrator was authorized to make loans to educational institutions of higher learning for the construction of housing for their students and faculties. To provide funds for the loans the Administrator was authorized to issue and have outstanding at any one time obligations for purchase by the Treasury in an amount not to exceed \$300,000,000. (Program temporarily suspended due to international situation.)

An additional authorization of \$250,000,000 was provided to the Federal National Mortgage Association for the purchase of home mortgages. The new section 8 FHA home mortgages were made eligible for purchase by the Federal National Mortgage Association. GI farm home mortgages were added to the home mortgages exempted from the 50 percent limitation on the amount of eligible mortgages in a lender's portfolio which may be sold to the Association.

MILITARY HOUSING ASSISTED BY FHA MORTGAGE INSURANCE

Public Law 211, approved August 8, 1949, added a new title VIII to the National Housing Act providing additional incentives through FHA mortgage insurance to rental housing for military and civilian personnel in areas adjacent to military installations. The act also permitted the armed forces to lease portions of military reservations and to furnish utilities on a long-term basis for such housing.

Public Law 498, approved May 2, 1950, amended title VIII to permit the military services to employ architects to draft plans for military housing projects. Upon the basis of these plans and specifications prospective sponsors of projects bid competitively for the privilege of supplying the housing so that the necessity of each prospective sponsor preparing separate plans and specifications is eliminated, thus expediting and encouraging the provision of military housing by private enterprise.

ALASKA HOUSING ACT

Public Law 52, the Alaska Housing Act, approved April 23, 1949, authorized more liberal FHA mortgage insurance in Alaska, housing loans and a more liberal secondary mortgage market through the Federal National Mortgage Association, construction of sales or rental housing by the Alaska Housing Authority, housing construction and certain repair loans by the Alaska Housing Authority, and \$15,000,000 in loans to the Alaska Housing Authority through the purchase of the Authority's obligations by the Housing and Home Finance Administrator.

HOME MORTGAGE SECONDARY MARKET OPERATIONS ENLARGED

Public Law 176, approved July 10, 1949, increased the Federal National Mortgage Association authorization to purchase FHA and GI home mortgages to \$1,500,000,000. The Association's authorization was further increased to \$2,500,000,000 by the interim housing amendments of 1949, supra, and to \$2,750,000,000 by the Housing Act of 1950, supra. See the interim housing amendments of 1949 and the Housing Act of 1950 for other provisions enlarging secondary market operations.

SALE OF SUBURBAN RESETTLEMENT PROJECTS ASSISTED

Public Law 65, approved May 19, 1949, authorized the sale of the suburban resettlement projects known as Greenbelt, Md.; Greendale, Wis.; and Greenhills, Ohio, by means of negotiated sale and without competitive bidding or public advertising, with a sales preference being given to nonprofit organizations of veterans and tenants.

MISCELLANEOUS HOUSING AND DISPOSAL LEGISLATION

Public Law 827 approved September 23, 1950, authorized the HHFA to release the trustees of Columbia University and the Citizens Veterans' Home Association of Rockland County from obligations under their contracts for the operation of a veterans temporary housing project of 1,500 units.

Public Law 218 approved August 10, 1949, provided for the conveyance of a tract of land in Prince Georges County, Md., to the State of Maryland for use as a site of a National Guard Armory and for the training of the National Guard and for other military purposes.

Public Law 737 approved August 29, 1950, provided for the conveying of land and buildings at the Fort Phillip Kearney Military Reservation, without consideration, to the State of Rhode Island.

SECONDARY MORTGAGE CREDIT ACT (HEARINGS, JULY 12, 13, AND 14, 1950)

The bill provided among other things for a private secondary mortgage corporation and for the modification of the Government's secondary market for FHA-insured and VA-guaranteed residential mortgages. After 3 days of hearings it was generally agreed by the experts attending the last day of hearings that it would be agreeable to all who were interested in the legislation to report out a bill doing the following: (1) In order to provide a completely satisfactory cushion there should be an increase of \$250,000,000 authorization; (2) That the FNMA be permitted to purchase other than from the originating lender; (3) That the FNMA be permitted to prescribe specific periods for which a mortgage be held before it purchases it; and (4) That it be empowered to purchase mortgages at a discount. There was a rather general agreement that the purchase of GI loans be restricted to 75 percent of the lender's portfolio rather than 100 percent as at the present, and 35 percent of their FHA mortgage portfolio rather than 50 percent. No further action was taken.

RENT CONTROL EXTENSION

The Housing and Rent Act of 1947, as amended, was extended until June 30, 1950 (Public Law 31 approved March 30, 1949). The veterans preference provisions of the act were continued with amendments designed to extend the preference to housing accommodations not heretofore included. The so-called local option provision for rent decontrol was provided, requiring the Housing Expediter to terminate rent control in any city, town, or village upon receipt of a resolution adopted in accordance with local applicable law and based upon a finding that a shortage of rental accommodations no longer existed, if the resolution was ap-

proved by the Governor. As a means of adjusting hardships and inequities and as a means of determining a maximum rent, a fair net operating income criteria was provided. Provision was made for the control of nontransient accommodations in nontransient hotels in cities of over 2,500,000. Recontrol by the Housing Expediter was permitted where he decontrolled an area or when there was a recommendation of a local board, except where the Emergency Court of Appeals approved a decontrol action, or in the case where decontrol resulted from the action of a State, city, town, or village. Provision was made for hearings and appeals by landlords and tenants to the Expediter and the Emergency Court of Appeals. The Housing Expediter was given authority to issue regulations governing the eviction of tenants from controlled accommodations, thus providing for uniformity in the operation of the eviction provisions throughout the country. The Expediter was directed to provide officers in local rent offices to assist tenants and landlords in preparing applications and properly informing them as to the various aspects of the law in relation to their problems.

Public Law 574, approved June 23, 1950, extended rent control from June 30, 1950, to December 31, 1950, at which time it would be terminated unless by affirmative action (by resolution or by popular referendum) of any incorporated city, town, or village which was still under Federal rent control, it resolved that it deemed the continuance of Federal rent control necessary in that area. It provided for the termination of rent control by concurrent resolution of the two Houses of Congress and upon a proclamation by the President. It also provided for the termination of rent control in any incorporated city, town, or village if a resolution was adopted by the local governing body after a public hearing, in accordance with local applicable law. Such a resolution recommending the termination of Federal rent control must be based on a finding that a shortage of rental housing accommodations no longer exists so as to require rent control.

Public Law 880, approved December 20, 1950, provided for a temporary extension of rent control to March 31, 1951, in those areas still under rent control which took no affirmative action to extend it beyond December 31, 1950. It also provided that the term "Resolution" in the Housing and Rent Act shall not be construed to be limited to ordinances or other legislative acts.

BANKING, CURRENCY, AND COINAGE

To amend the Federal Deposit Insurance Act (Public Law 797, approved September 21, 1950)

The principal provisions of the act:

1. Reduced the cost to banks of insuring accounts of depositors by 60 percent of net assessment income.

2. Increased maximum insurable deposit from \$5,000 to \$10,000.

3. Simplified the basis of calculating the amount of premium required of banks for insurance.

4. Permitted Federal Deposit Insurance Corporation examiners to make special examination of any insured bank, State or National, member or nonmember, "whenever in the judgment of the Board of Directors (of the FDIC) such special examination is necessary to determine the condition of any such bank for insurance purposes."

5. Required the payment by the Corporation to the Treasury of 2 percent simple annual interest on the capital advanced to the Corporation and retired in accordance with provisions of Public Law 363, Eightieth Congress.

Reduction in cost of insurance, at first sought by reducing the rate from one-twelfth to one-twenty-fourth of 1 percent, was finally accomplished by providing that

present rate of assessment be continued, but that insured banks be allowed a refund against future assessments of 60 percent of net assessment income of corporation, defined as "the total assessments which became due during the calendar year less (1) the operating costs and expenses of the corporation for the calendar year; (2) additions to reserve to provide for insurance losses during the calendar year, except that any adjustments to reserve which result in a reduction of such reserve shall be added; and (3) the insurance losses sustained in said calendar year plus losses from any preceding years in excess of such reserves." It is estimated that this change will result in a reduction of approximately 55 percent in the amount insured banks will hereafter pay for insurance of deposits as compared with amounts heretofore paid.

Conversion, merger, and consolidation of national banks (Public Law 706, approved August 17, 1950)

Permitted the conversion of national banks into, and the merger or consolidation with, State banks, essentially on the same conditions that State banks may convert into or merge with national banks.

Amendment to the Federal Reserve Act (Public Law 589, approved June 30, 1950)

Extended from June 30, 1950, to June 30, 1952, authority of Federal Reserve banks to buy directly from the Treasury, rather than in the open market, direct obligations of the United States on obligations fully guaranteed by the United States, up to an aggregate of \$5,000,000,000, to meet temporary needs which otherwise would cause unnecessary fluctuations in money markets.

To permit national banks to give security in the form required by State law for deposits of funds by local public agencies and officers (Public Law 715, approved August 18, 1950)

Amended section 5153, Revised Statutes, so as to permit national banks to accept and give security for deposits of States and political subdivisions thereof, and of officers, employees, or agents of States and political subdivisions thereof in their official capacities, to the same extent as is authorized in the case of other banking institutions in the State in which the national bank is located.

Amendment to the Federal Credit Union Act (Public Law 376, approved October 25, 1949)

Increased from 2 years to 3 years the limit for maturity of loans made by the Federal Credit Union. Increased the limit of unsecured loans from \$300 to \$400. Placed a ceiling on regular reserves of 10 percent to deposits and limited the transfer to the regular reserve fund to an amount not exceeding fees and fines and 20 percent of the net earning of the credit union in any one year. Provided that the reserve fund could be used in addition to covering bad loans to cover other losses that might be sustained.

Bank holding bill (S. 2318) (hearings 8 days in March 1950)

The purpose of the bill is to subject all bank holding companies to control and regulation. The present law is susceptible to abuse in that it enables holding company to evade limitation upon bank expansion by refraining from requesting a permit to vote stock held, by acquiring only nonmember banks or by causing member banks acquired to withdraw from the Federal Reserve System, by definition of holding company predicated upon ownership of a majority of voting shares whereas control is exercised through smaller ownership, by absence of definition of limits within which holding companies should be permitted to expand, and by permitting unlimited holdings of nonbanking company securities, etc.

The bill would subject all bank holding companies to control and regulation and not permit some of them to escape as is now possible because of the loopholes in the definitions and the voluntary nature of the regulation under existing law.

It gives Federal bank supervisory authorities the power to control the acquisition of banks by bank holding companies and describes the factors to be considered by them in acting upon applications involving the expansion of bank holding company groups.

It requires bank holding companies to divest themselves of control over enterprises unrelated to banking.

It provides generally a more effective supervisor of bank holding companies and prescribes appropriate sanctions.

It does not abolish bank holding companies or prohibit the creation of new ones. It does not prohibit bank holding companies from expanding their control over banks within reasonable bounds. It does not require bank holding companies to divest themselves of any enterprises unrelated to banking where such investments are insignificant from the standpoint of control or influence over policies.

In addition to the hearings numerous conferences and executive sessions were held in consideration of this bill. However, it did not reach the stage of final action and on May 5, 1950, Senator ROBERTSON introduced a substitute bill (S. 3547) to define bank holding companies, control their future expansion, and to require the divestment of nonbanking assets. Senators TOBEY and DOUGLAS introduced amendments to it. It was deemed desirable not to act upon the substitute until hearings could be had on it.

Amending the Federal Reserve Act (reported March 8, 1950; passed Senate April 19, 1950)

Amended Federal Reserve Act by increasing from \$10,000,000 to \$25,000,000 the aggregate amount permitted to be used for construction of branch Federal Reserve bank buildings.

State taxation of national banks (S. 2547—hearings, July 20, 1950)

To amend section 5219, Revised Statutes, relating to State taxation of national banks. Existing law, originally enacted in 1864, amended in 1923 and in 1926, permits States to tax national banks by only one of four specified methods. S. 2547 would legislate certain court decisions into statute law and would clarify and reaffirm methods long used without statutory authority, and would make other minor changes. The committee on Federal legislation of the American Bankers Association and the National Tax Association, which includes State taxing authorities, have agreed on the provisions of S. 2547 as desirable legislation.

Representatives of these associations were heard in favor of the bill. No opposing witnesses appeared. The bill was not reported as the session was drawing to a close and full attention of committee was then focused on Defense Production Act.

For establishment of the National Monetary Commission (S. 1559, reported June 1, 1949, passed Senate June 2, 1949)

Established a National Monetary Commission, to be composed of 18 members, 6 appointed by President, 6 by President of Senate, and 6 by Speaker of House. The Commission could make adequate studies to determine what changes are necessary or desirable in the banking and monetary system of the United States or in the laws relating to banking and currency.

Coinage (Public Law 508, approved May 10, 1950)

To amend section 3552 of Revised Statutes so as to permit reimbursement to appropriation for Bureau of the Mint of moneys re-

ceived from sale of medals and proof coins, instead of covering such funds into Treasury's miscellaneous receipts.

Public Law 221 (approved August 12, 1949) authorized the coinage of a medal for Vice President.

Public Law 509 (approved May 10, 1950) provided that losses and wastage incident to recoinage of worn and uncurrent silver coins shall be charged to the silver profit fund arising from coinage of silver bullion into coins exceeding the value of the bullion.

INTERNATIONAL BANKING

Amendment to the National Bank Act and the Bretton Woods Agreement Act (Public Law 142, approved June 29, 1949)

The act is intended to aid the marketing in the United States of securities issued by International Bank for Reconstruction and Development (World Bank) as follows: (1) Allows national banks and State member banks of Federal Reserve System to deal in and underwrite such securities up to 10 percent of its paid-in and unimpaired capital stock and 10 percent of its unimpaired surplus fund; (2) exempts such securities from provisions of Securities Act of 1933 and Securities Exchange Act of 1934, with safeguards so that Securities and Exchange Commission can suspend such exemption as it deems necessary.

Foreign investment guaranties (reported September 22, 1949) (an amended bill passed the House)

The bill would allow the Export-Import Bank to guarantee United States private capital invested in productive enterprises abroad which contribute to economic development in foreign countries against risk peculiar to such investments (inconvertibility).

HOME LOAN BANK AND SAVINGS AND LOAN ASSOCIATIONS

Savings and loan industry strengthened

Public Law 576, approved June 27, 1950. The provisions are designed to strengthen the savings and loan industry, thus further aiding in the financing of homes and the encouragement of savings.

The act requires lending institutions which are members of Federal home loan banks (principally savings and loan associations) to maintain a certain minimum liquidity. In order to assure a source of funds to savings and loan associations to meet demands upon them for mortgage funds and to meet withdrawal requests by savers and account holders, the Secretary of the Treasury is authorized to purchase the obligations of Federal home loan banks up to \$1,000,000,000. The proceeds of these obligations would be used for advances by the banks to savings and loan associations and other members of the Federal home loan banks.

The insurance protection afforded by the Federal Savings and Loan Insurance Corporation to the accounts of savers in savings and loan associations is increased from \$5,000 to \$10,000 for each account. The Federal Savings and Loan Insurance Corporation is also authorized by Public Law 576 to borrow from the Treasury such funds as in the judgment of the Home Loan Bank Board are required for insurance purposes.

The act also accelerates retirement of the Government-owned capital stock in the Federal home loan banks and the Federal Savings and Loan Insurance Corporation.

Conversion of Federal savings and loan associations to mutual savings banks (S. 1175, reported September 30, 1949; passed Senate October 17, 1949)

Permits Federal savings and loan associations to convert into mutual savings banks provided State law permits mutual savings banks to convert into Federal savings and loan associations.

Branches of Federal savings and loan associations (S. 2006, reported September 30, 1949)

Amends Home Owners' Loan Act so as to place the same restrictions upon establishment of branches by Federal savings and loan associations as are prescribed by law for establishment of branches of national banks. Branches could be established only if law or custom of State permitted establishment of branches by State savings and loan associations.

RECONSTRUCTION FINANCE CORPORATION

Restriction on employment of RFC personnel by certain borrowers (reported July 11, 1950)

Any company hereafter obtaining financial assistance from the RFC would be required to execute an agreement undertaking not to employ within 2 years after the date such financial aid is extended any personnel of the Corporation exercising discretion with respect to the making of loans to that class of borrowers, with certain exceptions.

RFC investigation

The subcommittee on the Reconstruction Finance Corporation was designated by the Banking and Currency Committee to conduct a study of the operations of the Reconstruction Finance Corporation pursuant to the terms of Senate Resolution 219, adopted February 8, 1950.

The subcommittee undertook to consider the problem of availability of capital and credit to American industries, particularly small-business enterprises; the need, if any, and its extent and character, for direct lending by the Government during a peacetime, nonemergency period. It also explored the manner in which the lending powers, and limitations thereon, as described in the law, have been interpreted and applied by the Reconstruction Finance Corporation. And it examined the organizational structure and administrative efficiency of the Reconstruction Finance Corporation, its procedures and costs, as well as the extent to which its policies and activities were harmonized with the broader fiscal policies and programs of the Government.

The subcommittee made a study of specific loans, believing that a discussion of broad principles and purposes unrelated to a specific factual situation would be comparatively useless in obtaining an accurate picture of the character of the activities of a public agency. It was the subcommittee's hope that by observing the actual execution of congressional policy it could assist the Congress in formulating and expressing its future policy with respect to the Reconstruction Finance Corporation with greater clarity and in greater detail.

The first of these studies was the loan to the Texmass Petroleum Co. On this study the subcommittee issued its first interim report on May 19, 1950. Some 200 or so additional loans were studied and about 30 of them were discussed in public hearings, some in considerable detail. The hearings on the loan to Waltham Watch Co. occupied 2 days and covered 200 pages of printed record.

Public and executive hearings were also held to investigate the contract between Lustron Corp., an RFC borrower, and the corporation which contracted to transport its output of prefabricated houses. There had been allegations of impropriety in the administration of this contract. The subcommittee's second interim report, dated August 11, 1950, was issued with respect to this investigation.

Under an extension of its authority, the subcommittee is required to issue its final report on or before January 31, 1951.

War Damage Corporation Act of 1950 (H. R. 9802, reported December 21, 1950)

Extends the program undertaken during World War II to provide insurance against

loss of, or damage to real or personal property resulting from enemy attack, including any action taken by the Armed Forces in resisting such attack.

MATERIAL, PRODUCTION, PRICE, IMPORT AND EXPORT CONTROLS

Voluntary agreements and plans (Public Law 6, approved February 9, 1949)

The act extended to September 30, 1949, the President's authority to approve voluntary agreements by industry, business, and agriculture concerning allocation and control of inventory. If the President requested compliance with the agreements, persons entering them were exempted from provisions of the antitrust laws and the Federal Trade Commission Act in carrying out the agreements. This was a continuation of a voluntary allocation program pending expected enactment of mandatory allocation legislation as part of a stabilization program. The Defense Production Act of 1950, approved September 8, 1950, now provides the legislative basis for voluntary and mandatory allocations.

Continuation of export controls (Public Law 11, approved February 26, 1949)

The act authorizes President to impose export controls over articles, materials, or supplies. Policy is to use such controls to protect domestic economy from an excessive drain of scarce materials and to reduce the impact of abnormal foreign demand; to further United States foreign policy; and to safeguard national security. The Secretary of Agriculture is to determine when supply of any agricultural commodity exceeds domestic requirements. Maximum penalty of \$10,000 fine or 1 year imprisonment or both prescribed for conviction after violation of act. Authority terminates June 30, 1951, or earlier if Congress by concurrent resolution or President so designates.

Continuation of tin allocation (Public Law 153, approved June 30, 1949)

It extended until June 30, 1950, power to allocate tin.

Diversification of tin facilities (Public Law 148, approved June 30, 1949)

The act authorizes RFC to sell to private industry for refining low-grade tin concentrates or tin-bearing material. The minimum sales price shall be such as to require the Government to take no more loss than it would if it refined the low-grade concentrates in the Government-owned tin smelter at Texas City, Tex. RFC is to replace any material so sold by placing future contracts for delivery within 4 months.

The committee was also consulted by the Armed Services Committee relative to legislation extending the authority of RFC to operate the Government-owned tin smelter at Texas City, Tex., and to supervise operation of synthetic-rubber facilities.

Import controls on fats and oils (Public Law 155, approved July 1, 1949)

Continued until July 1, 1950, import control authority affecting fats and oils (except petroleum and petroleum products) and rice and rice products. Controls may be exercised only upon Presidential decision that they are required for orderly liquidation of surplus Government stocks (applicable to fats and oils) or for proper distribution of products in world short supply (applicable to rice).

Public Law 590 (approved June 30, 1950)

It extends import control authority on the same basis as Public Law 155 until July 1, 1951, except that it removed coconuts and coconut products from the controllable list.

Defense Production Act (Public Law 774, approved September 8, 1950)

Title I—Priorities and allocations: Authorizes the President to require that priority be given to contracts and orders which

he deems necessary or appropriate to promote the national defense, to require acceptance and performance under penalty, and to allocate materials and facilities.

Title II—Authority to requisition: Authorizes the President on payment of just compensation, to requisition equipment, supplies, and manufacturing facilities when he determines it to be of immediate necessity for national defense. Authorizes action in Court of Claims and district courts for increased compensation.

Title III—Expansion of productive capacity and supply: Provides that the President by regulation may authorize the military departments and other procurement agencies to guarantee loans made to defense contractors. Authorizes the President to make provision for loans, participation in and guaranty of loans, (1) to private business for capacity expansion, development of technological processes or the production of essential materials, and (2) to provide for the purchase of metals, minerals, and liquid fuels without regard to existing limitations as to quantities, terms, and so forth. In connection with (1) and (2) he may use existing officials or agencies or create new agencies. A revolving fund of \$600,000,000 is provided and an appropriation of \$1,400,000,000.

Title IV—Price and wage stabilization: In addition to voluntary action for the control of prices and wages authorized the President to impose selective price controls under certain conditions and provided for the stabilization of wages, salaries, and other compensation in the industry or business producing the material or performing the service upon which a ceiling was imposed. It provided for the imposition of price ceilings and wage stabilization generally, whenever ceilings are established on materials comprising a substantial part of all sales at retail and materially affecting the cost of living. Provision is made for adjusting ceilings and wages when the President deems it necessary to prevent hardships and inequities, and the President is authorized to give due consideration to the national effort to achieve maximum production in furtherance of the objectives of the act. Specific provisions are provided for imposing ceilings on agricultural commodities and certain prices and industries are exempted from the imposition of price ceilings. The President is required to set up a single agency to administer price, wage, and ration controls whenever he imposes general price and wage controls. Provision is made for court review and appeals and also penalties are provided for violation of the title.

Title V—Settlement of labor disputes: The President is authorized to initiate voluntary conferences between management, labor, and representatives of the Government and the public and to take such action as may be agreed in any such conference so long as the action is not inconsistent with existing applicable law.

Title VI—Control of consumer and real estate credit: Authorizes the Board of Governors of the Federal Reserve Board to prescribe regulations controlling the volume of consumer credit. The President is given the authority to control real estate credit. Requires persons extending credit to keep full records on accounts and make such reports as may be required. Registration may be required of persons or classes of transactions and after notice and opportunity for hearing such registration may be suspended for violation of this section. It provides penalties for violation.

Title VII—General provisions: Requires that full information of activities under this act be furnished small business. And provides for the appointment of business advisory committees for the purpose of consultation in the formulation of rules and regulations issued under the authority of

the act. Provision is also made for exemption of small-business enterprises from the provisions of the act insofar as feasible. Authorizes the President, by regulation, to provide exemptions from the antitrust laws and the Federal Trade Commission Act in the interest of national defense. Insofar as practicable in allocating materials of agreements to allocate, where a significant dislocation of the normal distribution in the civilian market is likely to occur, the President shall make available a fair share of the civilian supply based so far as practicable on the share received by such businesses under normal conditions during a representative period. Exempts functions of this act from all provisions of the Administrative Procedure Act except those relating to publication of rules, opinions, and so forth. Authorizes the President to employ additional persons in GS-16 and GS-18 to carry out this act.

A joint congressional committee to be known as the Joint Committee on Defense Production consisting of five members from the Senate Banking and Currency Committee and five from the House Committee on Banking and Currency is provided for. Provisions of the act are made applicable wherever the United States has jurisdiction and the authority conferred by titles IV, V, and VI are terminated on June 30, 1951, while the authority conferred by titles I, II, III, and VII are terminated on June 30, 1952.

MISCELLANEOUS LEGISLATION AND HEARINGS

Securities Exchange Act amendments (S. 2440) (hearings, February 7, 8, 9, and 10, 1950)

The bill would extend to the investors in companies having over \$3,000,000 of assets and over 300 security holders, and where securities are not listed and registered on exchanges, the same protection available to investors in listed and registered securities. The purpose of the bill was to fill in the gaps in the SEC Act which had been built up in a rather piecemeal fashion since 1933. Amendments were proposed by the SEC Commission and by several witnesses.

Public Law 161 (approved July 9, 1949)

Directed the RFC to transfer to the Secretary of State without reimbursement or transfer of funds all of the corporations rights, titles, and interest in and to certain international broadcasting facilities and property.

Public Law 135 (approved June 28, 1949)

Repeals the provision relating to \$12,500,000 made available to the FWA for public works advance planning which provided that no loans shall be made or participated in by any Federal agency for the construction of any public works, plans for which have been wholly or partly financed out of this appropriation, except in pursuance of specific appropriation.

Public Law 330 (approved October 6, 1949)

Increased authorization for Joint Committee on the Economic Report from \$50,000 to \$150,000.

Economic power of labor organizations (Hearings 16 days during July-August 1949)

The purpose of these hearings was to inquire into the existence and extent of economic power over trade and commerce, its concentration in a few hands, and the effect of that power on the small-business man and on prices paid by the consumer.

The necessity for this investigation was originally suggested by the report that a single individual would be authorized to speak for the coal industry in contract negotiations and that he, with a single representative of labor in the industry, could determine not only wage but also production levels. The "stabilization" strikes, the 3-day week then imposed on the coal industry by the United Mine Workers of America, the then

threatening strike in steel, and the then existing tie-up of shipping in Hawaii were current developments which reemphasized the need for such investigation.

Your committee extended invitations to be heard to all the labor organizations and the coal producers, as well as to industrialists affected by existing labor difficulties. None of the labor leaders chose to appear.

The committee gathered valuable data upon the extent of the power which industry-wide labor organizations have acquired, the manner in which the power is being exercised, the effects of the economic power of labor unions in the coal industry, and in industry generally upon banking and credit policies, small-business enterprises, consumers, prices, and national economic stabilization.

However, as the remedies suggested by the spokesmen for affected industries consisted of legislative proposals that are not normally committed to the jurisdiction of your committee, it was found expedient to forward your committee's hearings and accumulated data to the Judiciary Committee. This latter committee appointed a subcommittee to inquire further into the subject. The subcommittee made legislative recommendations based upon the data accumulated and these recommendations are pending before the Judiciary Committee.

OTHER HEARINGS

Your committee also conducted hearings on a number of intermediate coinage bills, the Gold Trading Act, the extension of consumer credit control, and provision for bank reserve requirements and held a number of hearings on legislation and problems relating to the welfare of small business. The latter is covered in a separate report.

ACCOMPLISHMENTS OF SUBCOMMITTEE ON SMALL BUSINESS OF THE SENATE COMMITTEE ON BANKING AND CURRENCY

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a summary, prepared by the senior Senator from South Carolina [Mr. MAYBANK], of the work accomplished by the Subcommittee on Small Business of the Senate Committee on Banking and Currency.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF WORK ACCOMPLISHED BY THE SUBCOMMITTEE ON SMALL BUSINESS OF THE SENATE COMMITTEE ON BANKING AND CURRENCY

It is self-evident that independent small-business enterprises are indispensable to the free-enterprise system in the United States. Small business makes up more than 90 percent of our business enterprises, employs nearly 50 percent of those working in business, and handles nearly 35 percent of the total volume of business transacted. Your subcommittee has endeavored to strengthen the position of independent small business in our economy. It is happy to report that it has assisted small business to take long steps toward more equal opportunities in competition with big business. For a complete study of the subcommittee's accomplishments in the Eighty-first Congress, see the report with recommendations made on February 9, 1950, Senate Report No. 1263, Eighty-first Congress, second session.

ROUTINE COMMITTEE TASKS

The volume of mail received by the subcommittee is particularly heavy. Whenever a small-business man runs into difficulties of procurement or financial difficulties, he writes directly to the subcommittee or to a Member of Congress to suggest new legislation in aid of small business. As 80 percent

of small-business problems fall categorically within the jurisdiction of the Banking and Currency Committee, these requests for legislation are directed to your subcommittee for consideration. Actually, very few of the problems encountered call for curative legislation. Very often they are based upon a misconception on the part of the owner of a small-business enterprise, or upon inadequate or faulty regulations by the administrative agency involved. The staff of the subcommittee can often verify the needs of a small-business entrepreneur by acquainting himself more fully with his problem and advising him of the status of the law and governmental regulations. The complainant, upon finding that a particular provision of the regulation applies to his case, is able to proceed to keep his business in existence.

On other occasions the particular problem necessitates on the part of the subcommittee staff a series of conferences with governmental officials. The difficulties of small business are thoroughly discussed in the light of existing circumstances, and adjustments in regulations are made to insure the survival and prosperity of small business.

On numerous occasions the subcommittee has intervened with the Reconstruction Finance Corporation in the interest of independent small business. At times, the RFC could not, under existing law, make a loan to the particular business. This was fully explained to the applicant involved and the reason for the law was made known to him. At the very least, the applicant would secure through the intervention of your subcommittee a complete and instructive hearing. At times, he received financial advice of great value. In many instances, the small-business applicant was enabled to obtain a much-needed loan. This was helpful not only to him but to the national economy, as it placed small business in a more equal competitive position with big business rivals whose sources of credit were inexhaustible. A large number of small-business men were assisted by the simple process of placing their facilities and the nature of their products before the proper procurement officers. They later received bid invitations and often succeeded in becoming the successful bidders upon valuable Government contracts.

For instance, the Continental Electronics Co. of Dallas, Tex., a small company, wished to bid on the production of a very high-powered transmitter for the State Department. The invitation to bid was so worded that independent small-business enterprises found it difficult to qualify. The Continental Electronics Co. appealed to your subcommittee. After a series of conferences with small-business companies and officials of the State Department rebids were requested and the Continental Electronics Co. was a successful bidder on the transmitter.

The following letter addressed to a member of your subcommittee is typical of the gratitude expressed by small-business companies throughout the country:

"You will recall that several months ago I discussed with you the problem facing the Continental Electronics Manufacturing Co. in connection with its and RCA's bids with the State Department. At that time, you were good enough to refer me to Bill Stewart of your subcommittee.

"Mr. Stewart gave this matter very efficient and intense attention. In the course of what ensued, Mr. Stewart made several very valuable suggestions, which we followed. The State Department asked for rebids and the final outcome is that the Continental Electronics Manufacturing Co. has been awarded the contract. This is a distinct victory for small business and results in a substantial savings to the Government.

"I want to thank you and Mr. Stewart for your interest in the matter.

"Sincerely,

"MARCUS COHN."

Your subcommittee has assisted a large number of small-business enterprises either directly or at the request of Members of the Senate by enabling them to secure the information and financial advice necessary to qualify for Government contracts. The following letter is one example of the appreciation shown by a Senator in a case where your subcommittee successfully advised a small-business enterprise and assisted it in obtaining a \$500,000 contract for chairs for the Chicago Quartermaster Depot of the United States Army:

"This is to thank you for your prompt and efficient service in assisting me to help the Hale Co., Inc., of East Arlington, Vt., to obtain the award of the Chicago Quartermaster Depot, United States Army, contract for 46,000 chairs.

"I also appreciate the very helpful information you obtained for my constituent, the Gordon M. Glier & Co. of Manchester, Vt. Enclosed find copy of an appreciative letter from Mr. Glier, president of the company.

"Sincerely yours,

"RALPH E. FLANDERS."

It would be impossible to enumerate the countless numbers of individual requests which have been received from various Senators and on which the difficulties presented have been resolved satisfactorily.

In every instance wherein a complaint was made by any small business, without regard to type, nature, or location, your subcommittee has endeavored to seek individual relief and at the same time has endeavored to ferret out the weakness in the over-all policy which would permit such malpractices, either from errors of omission or commission on the part of any official of the Government.

STUDIES AND INVESTIGATIONS

Although the bulk of the subcommittee's staff work is comprised of the routine work outlined above, a large number of continuous studies and investigations are conducted by your subcommittee. One of the greatest defects of the procurement program in World War II was the limited dissemination of procurement information. In many instances small independent companies were unable to obtain timely information upon Government contracts. These difficulties continued after termination of hostilities. The staff of your subcommittee held numerous conferences and conducted intense studies with the staff of the National Defense Department and the General Services Administration. Thanks to these efforts, timely information is now being distributed through all the Department of Commerce field offices and a large number of Chambers of Commerce. Radical changes were made in the procurement program on March 1, 1950. After protracted conferences, hearings, correspondence, and telephone calls from August 1949 to March 1950, finally a detailed program was approved by the Department of National Defense. The new program was nationally acclaimed by individual small-business men and small-business associations. The following letter received from a small-business owner is typical of the reaction to your subcommittee's accomplishment with respect to the dissemination of procurement information:

"DEAR SENATOR: This letter will serve as an anniversary celebration since finally after 1 year's work on the part of your committee and self we are now in a position to close our files on the matter of procurement information through the Department of Defense.

"Unbelievable as it may sound, during the past few weeks, the balance of the agencies that have not heretofore complied have reconsidered their previous position and are now furnishing us with the public information that had been denied us for so long. I cannot praise your efforts and those of your committee too highly; without your constant work on this matter we probably

would still be on a nip-and-tuck basis with the procurement agencies.

"Particularly at a time like this, when more and more manufacturers are seeking defense orders we are now able to furnish them with the information that they need and are entitled to receive.

"Your willingness to personally intercede in this matter as often as you have was undoubtedly the guiding factor in bringing this matter to a satisfactory conclusion. I would like to thank you for your past favors.

"With very best regards,

"Sincerely,

"HENRY SCHARF."

In June of 1950, your subcommittee started receiving requests from small companies for assistance in securing much needed steel sheets in order that they could continue in business. These requests were greatly multiplied after the outbreak of war in Korea. Inasmuch as the voluntary steel-rationing program had ended some months before, and no allocation powers were in force at that time, your subcommittee held several conferences with several large steel companies to find a way out of the impasse. Informal agreements were made with these companies. As a result, requests for assistance from independent small-business enterprises were accepted by the large steel companies and channeled to the proper distributors for the orders to be filled. The large steel companies, upon investigation of the needs of these smaller companies, offered your subcommittee the fullest cooperation and in a great many instances made it possible for small-business enterprises to stay in business.

This informal arrangement remained in effect until Public Law 774 was approved on September 8, 1950. Since then all requests for critical materials are being channeled to the staff of the National Production Authority where they are being acted upon with great dispatch.

Through frequent negotiations with the various departments, your subcommittee has been influential in encouraging them to organize divisions devoted to the interests of independent small business. The Department of Commerce, the Department of Defense, General Services Administration, the National Production Authority, and the Department of Justice have Small Business Divisions designed to be of assistance to independent small businesses and promote their interests. Your subcommittee staff works in close harmony with the staffs of these various divisions.

In many instances complaints of small-business enterprises resulted in action by your subcommittee's staff in cooperation with the Federal Trade Commission. For instance the staff cooperated in investigations pertaining to small paint manufacturers. Many of these, especially in the Pacific Northwest are being hurt by the discriminatory distribution policies of producers of titanium dioxide, which is monopolized by certain large producers. This action by the subcommittee has resulted in much needed relief to a large number of small paint manufacturers and it is hoped that a permanent satisfactory solution may be worked out.

The staff of your subcommittee has also investigated the alleged discrimination in the sale of nylon yarn. Finding that this was a matter which could be handled efficiently by the Federal Trade Commission, it was referred to that Commission for necessary field work to determine the underlying facts. Several investigations have been conducted which pertain to situations within the chemical industry which threaten to exclude many small firms from participating in Government contracts. Many of these involve secret information pertaining to the Atomic Energy Commission or the Office of International Trade which cannot be discussed in a public document.

Assisting independent small business to participate in the program of the Economic Cooperation Administration and conferring with the ECA in designing its programs to be of the fullest opportunity to small business is a continuous activity of your subcommittee.

At present your subcommittee is investigating the effect of regulation W of the Board of Governors of the Federal Reserve System upon the small taxi owner. In regulation W, exemptions are made for trucks, busses, funeral cars, vehicles for hire of 10 or more passengers, or equipment for business purposes. Taxicabs are not on the exempt list. The charge is made that this discriminates against the small taxi owner in favor of large corporations which own vehicles of 10 or more passengers. Another discrimination is found in the \$5,000 limitation beyond which consumer credit controls do not apply. The staff of your subcommittee is meeting with the staff of the Board of Governors with a view to making proper adjustments designed to place the small taxi owner in a more equal competitive position with large rival taxi owners without vitiating the intended effect of regulation W.

Those are but a few of the large number of studies and investigations being currently conducted by your subcommittee. Most of them result in direct action being taken not only for the survival but for the increased vitality and prosperity of independent small-business enterprise the health of which is vitally connected with a vigorous national economy.

LEGISLATIVE FUNCTIONS

Besides the routine work, the studies and investigations which have been discussed above, your subcommittee has exercised its traditional legislative functions. It has examined the various bills and amendments pertaining to small business which have been introduced and referred to the Banking and Currency Committee. Many of the objectives of these bills were reached through the amendment of administrative regulations as has been explained previously. Your subcommittee and its staff have made valuable contributions to the work of the Banking and Currency Committee by injecting considerations of the interest of independent small-business enterprises in all pending legislation. For instance, your subcommittee assisted in drawing plans in aid of small business for the Economic Cooperation Administration in hearings held on June 6, 1949. Your subcommittee stressed the interest of independent small petroleum producers and petroleum distributors in the hearings on petroleum prices on June 29 and 30, 1949. In July and August 1949, your subcommittee brought out facts of interest to small-business enterprises in the hearings on the effect of economic labor organizations. Similar contributions to the understanding of the needs of small business were made in August 1949, in the hearings to amend the Reconstruction Finance Corporation Act and in January 1950, in the hearings to amend the Federal Deposit Insurance Act, and in March 1950, in the hearings on the Bank Holding Company bill. For instance, the Federal Deposit Insurance Corporation Act, increasing the insurance from \$5,000 to \$10,000, is expected to have a substantial beneficial effect upon small country banks in particular. Your subcommittee is determined to exert its influence to insert in any amendment to the Reconstruction Finance Corporation Act provisions designed to assist promising independent small-business enterprises to obtain adequate credit in their struggle for survival in the war conditions that inevitably favor monopolies. In short, there is no legislation emanating from the Banking and Currency Committee which is not scrutinized closely to determine its effect upon small business, and proper amendments are attached to all bills to insure favorable con-

sideration of the interests of independent small-business enterprises.

An example of the influence of your subcommittee upon legislation is found in the Defense Production Act of 1950. In title 7, section 701, we find the following language:

"(a) It is the sense of the Congress that small-business enterprises be encouraged to make the greatest possible contribution toward achieving the objectives of this act.

"(b) In order to carry out this policy—

"(i) the President shall provide small-business enterprises with full information concerning the provisions of this act relating to, or of benefit to, such enterprises and concerning the activities of the various departments and agencies under this act;

"(ii) such business advisory committees shall be appointed as shall be appropriate for purposes of consultation in the formulation of rules, regulations, or orders, or amendments thereto issued under authority of this act, and in their formation there shall be fair representation for independent small, for medium, and for large business enterprises, for different geographical areas, for trade association members and nonmembers, and for different segments of the industry;

"(iii) in administering this act such exemptions shall be provided for small-business enterprises as may be feasible without impeding the accomplishment of the objectives of this act; and

"(iv) in administering this act special provision shall be made for the expeditious handling of all requests, applications, or appeals from small-business enterprises.

"(c) Whenever the President invokes the powers given him in this act to allocate, or approve agreements allocating, any material, to an extent which the President finds will result in a significant dislocation of the normal distribution in the civilian market, he shall do so in such a manner as to make available, so far as practicable, for business and various segments thereof in the normal channel of distribution of such material, a fair share of the available civilian supply based, so far as practicable, on the share received by such business under normal conditions during a representative period preceding June 24, 1950, and having due regard to the needs of new businesses."

INCREASING SMALL BUSINESS ACTIVITIES

The problems of small business under regulation W of the Board of Governors of the Federal Reserve System have been discussed above. This is but a small part of the numerous difficulties that will be encountered by small business organizations in a controlled economy. The Defense Production Act of 1950 went into effect on September 8, 1950. Consumer credit controls were the first to be invoked under the act. The administrative machinery for the control of our national economy is in the process of organization. The new session of Congress will likely witness the invocation of all or many of the powers lodged in the President by the Defense Production Act of 1950. Among these powers we find priorities and allocations, authority to requisition, expansion of productive capacity and supply, price and wage stabilization, settlement of labor disputes, control of consumer and real estate credit. Under all of these, the difficulties of small-business enterprises will multiply. The assistance of your subcommittee and its staff will be called upon by small independent businessmen throughout the country who will be lost in the maze of governmental regulations, orders, and directives. Your subcommittee looks forward with enthusiasm and optimism to the continuance of investigations and studies already initiated. Your subcommittee stands ready to seek the solution to the innumerable problems besetting independent small business that are always born of a war economy.

RECORD OF THE EIGHTY-FIRST CONGRESS ON PREPAREDNESS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a statement by the senior Senator from South Carolina [Mr. MAYBANK] covering the record of the Eighty-first Congress in the matter of the preparedness program.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

I want to take this opportunity to make clear, in no uncertain terms, the record of the Congress in the interest of our entire preparedness program. Other Senators must have received mail from all over the Nation in equal volume to that which has come to my office and to the Banking and Currency Committee. Many of these letters are tirades against both the legislative and executive branches of our Government.

Once and for all I want the people of this country to understand what has been done and what is being done. I hope the news reporters and the radio commentators will help us in every way they can to get the message of truth across to their millions of readers and listeners. I hope the people will pay as close attention as they do to stories of sordid crime and other sensational news releases.

Many of our people have forgotten their civics lessons and their other classes in government. They should think back and remember that the Congress is the legislative branch of our Government. Surely everyone knows that the constitutional function of the executive branch is to execute and administer the laws enacted by the legislative branch.

With this admonition in mind, I would like to make clear the record of the Congress, and my own record, too, in the interest of our preparedness program—both military and domestic.

On July 19, 1950, I introduced the Defense Production Act. The Banking and Currency Committee held hearings beginning on July 24, 1950. Beginning on that date the committee was in almost constant session, many times well into the night, in an effort to expedite action on legislation which we recognized at that time to be of vital concern to every American. With the splendid cooperation of the committee members, from both sides of the aisle, I reported that legislation to the Senate on August 7, 1950. A similar bill was passed in the House of Representatives on August 10. The Senate acted on August 21. Following day and night sessions, the conferees agreed, and the Defense Production Act of 1950 was passed by both the House and the Senate on September 1. The act was approved and became Public Law 774 on September 8.

I cite this record of progress because so many people write and call me and ask, "Why don't you do something?" I say the Congress did do something. I say the chairman of the Banking and Currency Committee did do something. Had I not felt the urgency of getting such a program under way as quickly as possible, I would never have asked my friends in the Senate and in the House to spend the many fatiguing hours in close, stuffy committee rooms that we devoted to this legislation.

Four months have now passed since the enactment of this bill which gave to the President complete and broad authority to institute a program of priorities and allocations for materials and facilities. The authority also extended to requisitioning materials and facilities, providing financial assistance for expansion of productive capacity and supply, providing for price and wage stabilization, the settlement of labor disputes, and the strengthening of controls over

credit. Under this authority and by these measures, the President was directed to facilitate the production of goods and services necessary for the national security.

Now let's see what has happened. Prices have continued to spiral upward until they have reached an all-time high on the standard-of-living index which is kept by the Bureau of Labor Statistics. Labor unions have forced wages ever higher. Critical materials have again slipped under the counter into the black market. Fly-by-night firms are again entering the picture and hoarding scarce items and materials, diverting them from normal business channels and seriously affecting the production of goods for both the civilian and military market.

This must not be allowed to continue. We are dealing in human lives. We are dealing in the security of our Nation. We are juggling, with butterfingers, the future of our way of life.

The time has come for firm, positive action. I hope it is not too late. We have had enough of pussyfooting and cowering. Our very lifeblood depends now on swift, mail-first determination. We must sacrifice luxuries and soft living. Business as usual must take a back seat until we have forever repelled the constant threat of invasion and internal disruption.

I have charged the Department of Defense in sessions of the Appropriations Committee to spend their money wisely and more effectively. Since 1945 I have urged the adoption of a program of universal military training. I warned in 1945 and 1946 against too rapid demobilization of our Armed Forces. I have strenuously supported the stockpiling program.

These things are basic. They are fundamental issues to a Nation to whom the free and the would-be free turn for spiritual and moral guidance. Our strength now, as in times past, must stem from a unified effort of all our people. We have no room for petty, partisan politics or any other selfish interests.

During this period of international crisis when the alignment of global powers consists of a bulwark of Christian nations on one side opposed by a clique of godless despots on the other, we must move forward with our preparedness at an ever-increasing tempo of production. A program of less than maximum effort at this time would be a breach of faith with the ghosts of GIs who know the full meaning of "supreme sacrifice."

ORDER OF BUSINESS

The VICE PRESIDENT. Under the unanimous-consent agreement, certain conference reports are in order to be taken up. A motion is in order to proceed with one of the conference reports to which reference has been made. Under the unanimous-consent agreement there is no precedence as to which one shall be taken up first.

Mr. MCKELLAR. Mr. President, I have been asked to await the arrival of another Senator who is opposed to the motion I am about to make, so I shall wait until that time. It will be only a few moments.

FEDERAL CIVIL DEFENSE PROGRAM— CONFERENCE REPORT

Mr. MCCARRAN. Mr. President, the Senator from Tennessee [Mr. KEFAUVER] is in the Chamber. Will he kindly state what was done with reference to the amendments of the Senate to the internal-security bill?

Mr. KEFAUVER. Mr. President, I submit the conference report on House bill 9798.

The report was read.

(For conference report, see House proceedings of CONGRESSIONAL RECORD for January 1, 1951, on pp. 17034-17040.)

The VICE PRESIDENT. Is there objection to the present consideration of the conference report? The Chair hears none. Without objection, the conference report is agreed to.

Mr. McCARRAN. Mr. President, I understand that we are considering the conference report on the Internal Security Act.

The VICE PRESIDENT. The Chair has already declared the conference report agreed to, without objection.

Mr. McCARRAN. I apologize to the Chair. My attention was distracted at the time. I wished to make an inquiry of the Senator from Tennessee as to what was done with reference to the amendments which were adopted by the Senate with regard to sections 304 and 305?

The VICE PRESIDENT. The Chair withdraws his announcement.

Mr. KEFAUVER. As to section 304, as it was passed by the House it provided that suit should not be brought against any employee following the instructions of the Administrator. I should like to make a brief statement with reference to several matters which were agreed to by the conferees. This statement will cover the questions of the distinguished Senator from Nevada.

The House and Senate conferees sat through two lengthy sessions before arriving at the agreement set out in the conference report. Generally speaking, I believe it is safe to say the Senate language prevailed. However, I desire to call attention to the more material matters which were decided by the conferees.

It will be recalled that during the debate on this legislation considerable attention was given to the conditions under which the emergency powers of this bill could be invoked. The senior Senator from Ohio [Mr. TAFT] and the junior Senator from Florida [Mr. HOLLAND] collaborated in amending the Senate bill. During the colloquy on this section several Senators were disturbed about using the word "imminent" to define the proximity of an attack which would permit the President to proclaim the existence of a civil-defense emergency. After considerable discussion the conferees agreed on language which would permit the proclaiming of such emergency by the President or by the Congress if there is an attack on the United States, or if it is anticipated that an attack is about to take place. Prior to the proclamation of this national emergency a finding would have to be made that the national safety required the invocation of the provisions of this title. Insofar as that portion of the language which was proposed by the junior Senator from Florida is concerned, it is believed that the language of the conferees substantially carries out the intent that he had by inserting such language. The conferees are confident that the change is a little tighter than the Senate version and a little more liberal than the House version. In any event, the right to terminate such emergency by

concurrent resolution by the Congress was retained.

During the debate on the passage of the bill, there was considerable discussion headed by the able senior Senator from Nevada [Mr. McCARRAN] concerning the provisions of sections 304 and 305. The deletion of these two sections from the Senate bill was agreed to with the reservation that it was hoped that the conferees would discuss the matter at considerable length and make a final determination as to the propriety of including the provisions of these two sections. Section 304, which was deleted from the Senate version, in effect removed the requirements of the Federal Tort Act insofar as the emergency powers of the Administrator were concerned, and further appeared to take away from an individual his right of legal redress. The conferees, after considerable discussion, agreed that the constitutional questions raised by the Senator from Nevada deserved much further study. Accordingly, section 304 was rewritten to provide only for the removal of the effects of the Federal Tort Act during the periods of an emergency, but does not include any denial of the right of an individual to sue another. It is believed that this rewritten version should satisfactorily overcome the objections that have been raised to the prior language, and the conferees feel that the material now included in this section is without question insofar as constitutionality is concerned. Further, it is the belief of the conferees that if an individual is sued for damages caused while he is engaged in such activities, that such a fact would probably serve as a good defense in court.

In further amplification of that point, the Senator from Nevada raised a sound point, as to whether the sovereign could prevent someone from suing an agent of the sovereign in carrying out an act. It was our opinion that if a person were ordered to do something, upon direct orders by the Government, he would probably be relieved even from suit. At any rate, that language has been stricken out, so that as matters now stand a person can be sued, but he is still left with his defense that he was following directly the order of the Government in the act which he did, which probably, under the law and the cases, would be a good defense.

Section 305 as contained in the House bill was reinstated in its entirety. This section merely excludes during an emergency the requirements of the Administrative Procedure Act with the exception of the requirement for publication. Careful study of the requirements of this act indicated no area where the conferees believed that the Administrator should be impeded by the requirements of this act. Of course, neither of these sections applies other than during a civil defense emergency as defined in title III.

On December 28 the chairman of the conference committee received a very cogent letter from the senior Senator from Nevada [Mr. McCARRAN] which was fully considered. In that letter the Senator from Nevada pointed out that the Administrative Procedure Act, by its own terms, was not supposed to apply under unusual circumstances, but the

conference concluded that during a time of emergency the Civilian Defense Administrator should not have to make the particular finding that he could not apply the sections of the Administrative Procedure Act, and, therefore, decided to reinstate the provision exempting the Administrator from the Administrative Procedure Act during a time of emergency.

The amendment submitted by the Senator from New York [Mr. IVES], designed to make certain that the broad powers contained in section 303 of this bill do not work undue hardship or injustice upon any individual, was retained by the conferees, but was moved into title III where it was believed it should more properly be placed. It was moved into title III because under the normal functioning of the law the Administrator is required to go through the usual procedures in making reimbursement for property taken and in making any sort of redress during normal operations.

During the debate on the floor of the Senate it was proposed by the senior Senator from Ohio [Mr. TAFT] that a termination date be written into this bill. The House version had a termination date of June 30, 1954. After debate on the floor the Senator from Ohio withdrew his proposed amendment, but the subject was discussed fully in conference. While the conferees decided not to put a termination date in the bill as a whole, it did believe that the broad powers conferred by title III—that is, the emergency provision—should be terminated and require new congressional examination. Accordingly, the termination date of June 30, 1954, contained in the House bill, was inserted in title III by the conferees. This was the agreement or the compromise proposed by the distinguished Senator from Massachusetts [Mr. SALTONSTALL], and I think it provides a satisfactory solution.

The floor amendment proposed by the senior Senator from New Hampshire [Mr. BRIDGES] concerning the method through which security regulations would be enforced was retained by the conferees in substantially the same form as it passed the Senate.

Mr. BRIDGES. Mr. President, will the Senator yield for a question?

Mr. KEFAUVER. Yes; I yield.

Mr. BRIDGES. The Senator from Tennessee said the amendment was essentially in the same form as adopted by the Senate. Because of the fact that there was some discussion about the matter, will the Senator indicate what changes were made in it?

Mr. KEFAUVER. As adopted by the Senate, it was changed to provide that if anything derogatory was found about the security risk of an applicant for a position upon examination by the Civil Service Commission, the examination should cease at that time, and that the Administrator should certify the file of the particular person to the Federal Bureau of Investigation for a full personal check. Under the amendment the Administrator does not have to wait for something derogatory to show up respecting a person by the civil-service examination. If the Administrator wants to make another examination, or

if he has any personal grounds to believe that there might be some question of disloyalty respecting an applicant, he himself may refer the matter to the Federal Bureau of Investigation. That is, he does not have to obtain his information solely from the Civil Service Commission. That is the change which was made.

Mr. BRIDGES. I thank the Senator.

Mr. KEFAUVER. The Senate provision permitting the Reconstruction Finance Corporation to make loans for civil-defense purposes under its normal loaning procedures and after certification by the Administrator that the project was necessary to civil defense, was retained with a clarifying sentence to make it clear that the amounts authorized to be used for this purpose were in addition to the other loaning authorities held by the Reconstruction Finance Corporation.

It was agreed by the conference that the Administrator would make no contribution to self-liquidating projects. The only inducement to self-liquidating projects is that the period of amortization or repayment, in case the money is borrowed from the Reconstruction Finance Corporation, is extended from 40 to 50 years. It was agreed by the conferees that the ability to rehabilitate basements of existing offices or to add certain civil defense features to proposed structures should result in a considerable saving to the taxpayer, and at the same time offer adequate shelter in the event of attack. The House bill had contained a flat provision against such a matching provision, whereas the Senate version was silent on the subject. It is believed that this compromise will give a more economical solution to the problem of shelters.

The other changes made were on relatively minor points, and it is believed the conferees have agreed upon an improved version which should meet the general requirements of the civil defense program.

Mr. President, it is the opinion of the conferees that the bill constitutes a well worked-out proposal which will enable the Civilian Defense Administrator to begin his work with the main burden placed upon the States, and through the States on the local communities; that the Civilian Defense Administrator will be the coordinator and will try to guide the program, and that the bill as now framed meets the insistent demands on the parts of the States and local communities as to what type of legislation should be passed. While we agree that it is not perfect, we have worked out these compromises with the House and I think the conference committee has done a very good job.

Mr. McCARRAN. Mr. President, if the bill becomes law it will be one of the most drastic and far-reaching laws ever placed on the statute books of our country. It goes further toward curtailing the rights and liberties of the individual than any act Congress has passed, to my knowledge. The question of what is an emergency, and how long it can last, is a serious proposition. We see emergencies arising overnight. We do not know

when they will come to an end any more than we know when the war which was declared some years ago will be ended. Were the bill not so drastic, were it not for the fact that it does impinge upon the rights of the individual, one would not take it so seriously.

There is now on the statute books, and in operation, what has been known as the Administrative Procedure Act. It stood as a sentry, if you please, as a guidepost, as a protection, between the bureau and the bureaucrat, and the individual. It was the only recourse in solving problems involving an individual in his contacts with an administrative bureau. That law was put on the statute books after long and continuous study. If there ever was a time when that act should come into effect and be operative it seems to me it is on the occasion of an emergency, and, as I have said, an emergency can be declared overnight; and God only knows when the emergencies are going to end.

The conferees have not seen fit to follow the amendment which was adopted by the Senate striking out section 305, and allowing the Administrative Procedure Act to remain in full force and effect.

No delay of moment would result from the operation of the Administrative Procedure Act. It can move as rapidly as desired. It calls upon individual arbiters to decide between a bureau and an individual seeking to redress his wrongs or to sustain his rights. That is all the act does, in reality, and no delay would be occasioned by its application.

Here, however, we have a bill, which is about to become the law, which first of all would take from the individual the right to sue, and it would take from him the right to have the benefit of the Administrative Procedure Act.

Mr. President, I am glad to see that the conferees followed the suggestion of the Senate in changing section 304. Had that not been done, the situation would have been ever more serious.

The right of the individual to sue is a property right which should not be taken from him, either in time of emergency or at any other time.

Mr. President, while the conference report undoubtedly will be approved, I repeat, the act will be one of the most drastic, dangerous laws ever put on the statute books of America, because it is something which impinges upon the rights of the individual. An individual must face an individual, not a court; he must face an individual and have his rights determined, without the right of appeal, without the right to sue, without the right of redress in the courts of the land.

Mr. President, following the discussion upon the floor of the Senate when the bill was before this body, I addressed a letter to the chairman of the conferees, the Senator from Tennessee [Mr. KEFAUVER], together with a memorandum covering my researches with respect to the law relating to the points involved, which I hoped would be of guidance to the conferees. I am glad to know that the able Senator from Tennessee made note of the fact that this memorandum was re-

ceived and considered. I now ask that my memorandum and letter be inserted in full in the RECORD at this point.

There being no objection, the letter and memorandum were ordered to be printed in the RECORD, as follows:

DECEMBER 28, 1950.

HON. ESTES KEFAUVER,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: So that the record may be clear with respect to the Senate's action in striking out sections 304 and 305 of the proposed Civil Defense Act, and because it was on my motion that the Senate so acted, I believe it is both proper and desirable that I should give you this statement, and I ask that you convey it to the other Senate conferees.

The Civil Defense Act of 1950 will be a law under which tremendous powers will be conveyed to an agency which the law will set up, to be used by that agency in time of emergency. The powers of the agency, under the law, will impinge upon many if not all of the civil rights of individuals.

It is easy to say that in time of great emergency, it is proper that the rights of the individual be subjugated to the good of the majority; but, of course, any proposal which involves subjugating the rights of individuals to the welfare of the state should be most carefully examined.

It was on the basis of both legality and policy that I objected to the provisions of section 304 (a).

Whether it is necessary, or even desirable, during a period of emergency, to give Government employees of a certain class a degree of immunity from suit by persons whom they may injure by their own wrongful acts is an arguable question to which my own answer would be negative.

Whether the Congress may constitutionally provide for such immunity is a rather complex legal question involving a number of factors. I have examined some of the authorities with respect to points involved, and submit herewith a memorandum on the subject which may be of some value to the conferees, and as a part of the legislative history of the Federal Civil Defense Act of 1950.

In this connection, the following conclusions appear justified:

1. The right of action for a tort committed by an agent of the sovereign, even though in the course of his official duties, is well recognized; and this is a property right.

2. Under the fifth amendment of the Constitution no person may, by Federal action, be deprived of property without due process of law.

3. Tort liability generally is controlled by State law; and a person within the jurisdiction always is amenable to the law unless shielded by a constitutional rule of law which exonerates him.

4. Congress has no power to legislate respecting the personal tort liability of its employees for acts performed outside the scope of their employment.

5. When the rules of law are changed so as to take certain rights away from a class of persons, the question always arises whether special remedies have been provided to replace those that would otherwise be available; whether there is "a reasonable substitute for the legal measure of duty and responsibility previously existing."

6. If Federal employees can be exempted from tort liability for acts performed within the scope of their employment, on the theory of extending to them the Government's own immunity from suit without its consent, the exemption so extended must be limited to acts performed under actual authority, in behalf of and in the name of the Federal Government.

7. Section 304 (a) of H. R. 9798 can be legally justified, if at all, only on the theory that it changes a general rule of law, has no ex post facto effect, is applicable to all persons alike, and purports to grant no immunity from suit with regard to any acts not performed strictly within the scope of authority, in behalf of and in the name of the Federal Government.

With respect to section 305, the question is entirely one of policy.

Congress is here creating a new agency and vesting in it broad powers, necessarily on the assumption such powers will be used only as needed in the natural interest, and only in a proper manner, never arbitrarily or unreasonably. Why should Congress then say to the new agency, in effect: "There is to be no person, no entity, which can challenge, in any legal way, the validity or propriety of anything you do."?

There is no provision in this statute for court review of any action of the new agency. In the absence of any provision for such review in another statute and under the Administrative Procedure Act exemption contained in section 305, there would be no such provision applicable—there is no way (other than by habeas corpus or some other extraordinary writ not of general application) in which the validity or propriety of any action by this agency can be called into account in any court in the land.

It has been pointed out that the Defense Production Act contains a provision exempting the agency there created from the Administrative Procedure Act, except with respect to the requirement of publicity under section 3. But the Defense Production Act contains alternative safeguards in the form of specified provisions for administrative and judicial review.

The Administrative Procedure Act is not a strait-jacket. It is sufficiently flexible to permit an emergency operation.

If it be argued that in an emergency there would not be time to give advance notice and permit hearings upon proposed rules and regulations, it need only be noted that in section 4 (a) of the Administrative Procedure Act, concerned with rule-making, it is provided that the requirements of the section shall not apply "in any situation in which the agency for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest."

In subsection 4 (c), concerning effective dates of new agency rules, the Administrative Procedure Act provides that:

"The required publication or service of any substantive rule . . . shall be made not less than 30 days prior to the effective date thereof except as otherwise provided by the agency upon good cause found and published with the rule."

In other words, under the Administrative Procedure Act, hearings are not mandatory in connection with emergency rule-making, and the prescribed period of notice before new rules become effective may be shortened or eliminated as the exigencies of a situation may require.

The procedural section of the act with respect to adjudication provides that:

"The agency shall afford all interested parties opportunity for (1) the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment where time, the nature of the proceeding, and the public interest permit."

Again, in the section of the act dealing with appearance, it is provided that:

"So far as the orderly conduct of public business permits, any interested person may appear before any agency or its responsible officers or employees for the presentation, adjustment, or determination of any issue, request, or controversy in any proceedings (interlocutory, summary, or otherwise) or in connection with any agency function."

The Administrative Procedure Act is the Bill of Rights for the private citizen in civil litigation before Government departments and agencies. It is not to be lightly discarded.

One of the important guaranties in the Administrative Procedure Act is the right of any person compelled to appear in person before an agency or representative thereof, to be accompanied, represented, and advised by counsel.

Another is the right of every person compelled to submit data or evidence to be entitled to retain, or, on payment of lawfully prescribed costs, to procure a copy or transcript thereof.

Another is the right of a person suffering legal wrong because of an agency action to have judicial review thereof.

Surely, there is nothing about the prospective civilian defense program which requires the suspension or abolition of these rights.

The Administrative Procedure Act provides that "no sanction shall be imposed or substantive rule or order be issued except within jurisdiction delegated to the agency and as authorized by law."

Surely, not even the civilian Defense Establishment would desire to be freed from the operation of that requirement.

On the basis of the above, it is respectfully submitted that:

1. Unless alternative provisions for administrative and judicial review are written into the bill, the exemption from the Administrative Procedure Act, which was stricken from the bill in the Senate should not be restored.

2. If the conferees restore section 304, the first sentence thereof should be changed so as to read:

"During the period of such emergency the Federal Government shall not, by virtue of any act or omission, by any officer or employee thereof while complying with or attempting to comply with any provision of this act, or of any rule, regulation, or order issued pursuant to this act, be liable to any person, whether or not such person is engaged in civil defense, for death, injury, or property damage resulting therefrom."

Thanks for your cooperation in presenting this matter to the conference committee, and kindest personal regards.

Sincerely,

PAT MCCARRAN.

MEMORANDUM RE SECTION 304, H. R. 9798

COMPARABLE PROVISIONS IN OTHER STATUTES

A comparable provision will be found in District of Columbia Code, title 6, section 6-1012 (55 Stat. 859, ch. 625); amended August 6, 1942 (56 Stat. 740, ch. 548, sec. 1), which reads as follows:

"Neither the District of Columbia nor any officer, agent, employee, or regularly appointed volunteer worker in the service of said District, nor any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith and without willful or gross negligence carrying out, complying with, enforcing, or attempting to carry out, comply with, or enforce this chapter, or any order, rule, or regulation issued or promulgated pursuant to this chapter, shall be liable for any damage sustained to any persons or property as the result of such activity."

A search reveals no litigation challenged this section of the so-called Blackout Act (the civil-defense law for the District of Columbia in World War II). It will be noted that the above-quoted provisions are broader in scope than the comparable section of H. R. 9798, but it appears that the District of Columbia Blackout Act was used as a model for parts of the National Civil Defense Act.

Except for two sections of the District of Columbia Blackout Act its provisions were terminated by Public Law 239, Eightieth Congress, approved July 25, 1947.

In view of the fact that litigation has not tested the validity of this section of the District Code, its brief existence as a statute justifies no conclusions respecting the validity of section 304 (a) of H. R. 9798.

The Defense Production Act of 1950 (Public Law 774, 81st Cong.) contains no mention of the Federal Tort Claims Act, and does not appear to affect tort claims in any way.

A comparison between section 304 of H. R. 9798 and the provisions of the Soldiers' and Sailors' Relief Act seemed desirable because the latter affords benefits to members of the armed services in legal proceedings or otherwise due to such service.

The Soldiers' and Sailors' Relief Act, in paragraph 4 of section 511 (title 50, U. S. C.), provides that "the term 'court' as used in this act shall include any court of competent jurisdiction of the United States or any State, whether or not a court of record." Section 520 states that "in any action or proceeding commenced in any court, if there shall be a default of any appearance by the defendant, the plaintiff, before entering judgment shall file in the court an affidavit setting forth facts showing that the defendant is not in military service. If unable to file such affidavit, plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in the military service or that plaintiff is not able to determine whether or not defendant is in such service. If an affidavit is not filed showing that the defendant is not in military service, no judgment shall be entered without first securing an order of court directing such entry, and no such order shall be made if the defendant is in such service until after the court shall have appointed an attorney to represent defendant and protect his interest, and the court shall on application make such appointment. Unless it appears that the defendant is not in such service, the court may require, as a condition before judgment is entered, that the plaintiff file a bond approved by the court conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any judgment should the judgment be thereafter set aside in whole or in part. And the court may make such other and further order or enter such judgment as in its opinion may be necessary to protect the rights of the defendant under this act."

In *Jurilla v. Roth* (38 A. 2d, 862), the court stated that the Soldiers' and Sailors' Relief Act does not suspend the exercise of the judicial power to acquire jurisdiction in personam for adjudication of civil controversies, but applies a policy of noninterference in this regard.

It will be further noted that the court is given discretion to use its judgment as to the application in a proper case of the Soldiers' and Sailors' Civil Relief Act. In the case of *Neu v. McCarthy* (33 N. E. 2d, 570), the court held that a person who enters the military service is not thereby relieved from the obligation to observe the laws of the jurisdiction in which he finds himself and generally he is liable for his torts as are other persons.

The holding in this case would seem to indicate that while the Soldiers' and Sailors' Relief Act was passed for the benefit of the men in the service, it did not give them a blanket right to abuse any privileges granted therein and was only passed for their protection. The Soldiers' and Sailors' Relief Act deals primarily with contractual obligations that existed prior to their entry into the service. In the case of *Ellis v. Smithers* (174 S. W. (2d) 568) it was held this act protects only those entering Armed Forces who were already obligated when said sections were approved and became effective, and do not apply to those who became obli-

gated after their effective date and then go into the Armed Forces. In the case of *Brooklyn Trust Company v. Papa* (33 N. Y. S. (2d) 57) it was held that this act has application only when the military service in fact has prevented or is preventing a man of the military service from meeting the obligations imposed on him by the instrument sued on. (See also *Twitchell v. Home Owners' Loan Corporation*, 122 P. (2d) 210.)

From the foregoing, it would appear that while the Congress can pass legislation for the express benefit of the armed services in time of emergency, which imposes a duty on all courts, jurisdiction of the courts was not impaired and discretion was given them in the exercise of their functions under the Soldiers' and Sailors' Relief Act. It cannot be concluded therefore that the Soldiers' and Sailors' Relief Act in any way abolished, or deprived any person of, a cause of action, but merely in the proper case suspended temporarily the enforcement of the right of action.

Since section 304 (a) of H. R. 9798 goes far beyond merely suspending the enforcement of the right of action in a proper case, the conclusion must be reached that the Soldiers' and Sailors' Relief Act is not a precedent therefor.

STATE AUTHORITIES RELATING TO LIABILITY OR SUIT OF MUNICIPAL OFFICERS

In *Christopher v. City of El Paso* (98 S. W. (2d) 394) a case involving personal injury to an infant who was lawfully present at an airport observing stunt flying, etc., the court, having distinguished between proprietary and governmental functions of municipalities, held that the legislation there in question could not waive the liability of the municipality for negligent acts occurring in connection with its proprietary functions.

The specific provisions of a statute (dealing with municipal airports) which exempted cities from liability for injuries to persons caused by negligence of their operating agents was held unconstitutional, despite the presumption in favor of the validity of legislative acts, as violating both the protection clause of Federal Constitution (amendment 14, section 1) and the due process clause of State constitution.

The case of *Stocker v. The City of Nashville* (126 S. W. (2d) 339) involved a plaintiff who had tripped on a wire stretched across a path to protect a grass plot. The suit was defended by the municipality on the ground that the State legislature had by statute exempted the municipality from liability from accidents such as that occurring here. The plaintiff raised the issue of repugnance of the State statutes to the fourteenth amendment to the United States Constitution. After discussion of the difference between cases in which the sovereign acts in a proprietary interest and in those in which a governmental interest is exercised, the court decided that a sovereign may pass on to an agency of the sovereign its rights to immunity from suit within violation of the fourteenth amendment, citing *Keifer and Keifer v. RFC* (59 S. Ct. 516).

A rather exhaustive study of the constitutionality of statutes which relieve municipalities from liability for torts is contained in the annotation 124 ALR 350. The case of *Batdorf v. Oregon City* (53 Ore. 402, 100 P. 937), cited in the annotation, discusses a provision of a city charter which exempted the municipality and its officers from any liability for any loss or injuries growing out of an accident due to the condition of its streets except that the officers were liable individually, where the accident was caused by the willful neglect by any officer of any duty or where it was caused by his gross negligence or his willful misconduct. (It will be noted that this exception to the limitation of liability roughly parallels that of H. R. 9798.)

The court in the Batdorf case held that the exemption from liability with this exception "practically denies a remedy to any person injured" and that it contravened article 1, section 10 of the Oregon State Constitution. That particular provision of the Oregon State Constitution provides that "every man shall have remedy by due course of law for injury done in person, property, or reputation." This roughly parallels the provisions of the fifth amendment to the Federal Constitution which states that no person shall be deprived of life, liberty, or property without due process of law.

An analogy may be drawn between the holding of the court in the Batdorf case, on the constitutionality of a municipal charter, and the possible holding of a Federal court on section 304 (a) of the proposed civil defense act, if it becomes law.

Shepard's citator shows that the above case has been cited with approval in a number of Oregon decisions as well as in other jurisdictions, notably Minnesota and North Carolina. *Tholkes v. Decock et al.* (147 NW 648 (1914) (the Minnesota case)) contains a fairly good review of the attitude of the other States on this problem.

EXISTENCE OF RIGHT OF ACTION FOR TORT COMMITTED BY AGENT OF THE SOVEREIGN

The Supreme Court has held repeatedly that a suit may be maintained against an officer or agent of a State or the United States, and that it is not a suit against the sovereign to recover damages at law, for a past act of tort by a State official or instrumentality, done in good faith in the name of the State under color of office, where the officer, having no personal interest, was mistaken in thinking he had the lawful right to take the action he did, *Bates v. Clark* (95 U. S. 204, 209); *White v. Greenhow* (114 U. S. 307); *Chaffin v. Taylor* (114 U. S. 310); *Mitchell v. Harmony* (13 How. 114, 137); *Scott v. Donald* (165 U. S. 58, 67-70); *Hopkins v. Clemson College* (221 U. S. 636, 645); *Johnson v. Lankford* (245 U. S. 541, 546); *Belknap v. Schild* (161 U. S. 10, 18, 23, 26); as to the damages at law, arguendo see *Cunningham v. Macoon & Brunswick R. R. Co.* (109 U. S. 446, 452); and a fortiori where the official's act was arbitrary, capricious and in disregard of the law, *Johnson v. Lankford* (245 U. S. 541, 546).

Federal cases which appear to merit special attention include the Fleet Corporation cases, the Texas Power case, Brady against Steamship Company, and Luther against Borden. These cases are discussed hereafter under separate subheads.

Sloan Shipyards Corp. et al. v. U. S. Shipping Board Emergency Fleet Corp. and the United States (249 U. S. 150)

This was an action against the Fleet Corporation, involving the question of whether the Corporation, as an agent of the United States could be sued. In deciding this and two other related cases, the court said:

"These provisions sufficiently indicate the enormous powers ultimately given to the Fleet Corporation. They have suggested the argument that it was so far put in place of the sovereign as to share the immunity of the sovereign from suit otherwise than as the sovereign allows. But such a notion is a very dangerous departure from one of the first principles of our system of law. The sovereign properly so-called is superior to suit for reasons that often have been explained. But the general rule is that any person within the jurisdiction always is amenable to the law. If he is sued for conduct harmful to the plaintiff his only shield is a constitutional rule of law that exonerates him. Supposing the powers of the Fleet Corporation to have been given to a single man we doubt if anyone would contend that the acts of Congress and the delegations of authority from the President left him any less liable than other grantees of the power of eminent domain to be called upon to defend himself in court.

An instrumentality of government he might be and for the greatest ends, but the agent, because he is agent, does not cease to be answerable for his acts. *Osborn v. Bank of United States*, 9 Wheat. 738, 843, 842; *United States v. Lee*, 106 U. S. 196, 213, 221. The opposite notion left some traces in the law, 1 Roll. Abr. 95, Action sur Cast, T., but for the most part long has disappeared."

Continuing, the Court said:

"If what we have said is correct it cannot matter that the agent is a corporation rather than a single man. The meaning of incorporation is that you have a person, and as a person one that presumably is subject to the general rules of law. The only serious question is whether special remedies have been provided by statute that displace those that otherwise would be at the plaintiff's command. The acts of April 22, 1918 (ch. 62, sec. 3, 40 Stat. 535), and of July 18, 1918 (ch. 157, sec. 13, 40 Stat. 913, 916), give compensation for a plant taken by the President under the powers conferred by the act of June 15, 1917 (ch. 29, 40 Stat. 182), and otherwise, with a resort for claims exceeding \$10,000 to the Court of Claims; in the later act, by a suit against the United States. But the taking possession of the plaintiffs' plants on December 1, 1917, is alleged to have been unlawful and it cannot be assumed at this stage that the act of the Fleet Corporation was in pursuance of any powers then delegated to it or was within the ratification of December 3, 1918. The plaintiffs are not suing the United States but the Fleet Corporation, and if its act was unlawful, even if they might have sued the United States, they are not cut off from a remedy against the agent that did the wrongful act. In general the United States cannot be sued for a tort, but its immunity does not extend to those that acted in its name."

In a minority opinion, Mr. Chief Justice Taft, with the concurrence of Mr. Justice Van Devanter and Mr. Justice Clarke said:

"The question presented is one of the interpretation of the will of Congress. No one can contend that Congress is using the Fleet Corporation for its purposes might not have given it express immunity from suit as a representative of the United States. What we have to decide is whether in the mass of urgent legislation in respect to the Government's construction and operation of shipping made indispensable by the peculiar exigencies of the Great War, Congress intended that this corporate agent should be subject to suit only as its principal is. I concede that the legislation originally creating this corporation, without express immunity from suit, naturally gives rise to the inference that Congress concluded that the greater freedom of action secured by carrying on business in corporate form was desirable and that in the absence of express provision for it, and in respect to what the corporation was originally intended to do, immunity cannot be reasonably implied from the relation of the Government to the corporation and its interest in its business. As I read the record, however, the transactions in the two cases I am discussing, and which we have to consider, took place after the situation prompting the creation of this corporation had greatly changed and after much additional legislation. The power to do the things which were here done, and which are the subjects of these suits, is not to be found in the act creating the Fleet Corporation or in legislation expanding its original faculties. It was power vested directly in the President himself, the exercise of which he was given express authority to delegate to an agent, who might be the Fleet Corporation. The act conferring this Presidential power provided a specific remedy for compensation to those whose property rights were invaded by its exercise through award by the President and immediate payment of part due thereunder, with the right to the claimant to litigate the justice of the whole award in the Court of

Claims. The Fleet Corporation in the arrangements which it forced upon the claimants in these two cases to their detriment expressly declared that it acted as a representative of the United States. I think the proper construction to be put upon the facts and the law is that these suits are in fact against the United States and cannot be brought except in the manner and under the procedure provided by the statute for claims for compensation for acts done by authority of the President under the act vesting him with it."

All the Chief Justice says here is that since Congress could create a corporation as an arm of the Government and give that corporation immunity from suit, the Court is not precluded, by the simple fact that Congress did not expressly grant such immunity, from finding in a specific case an intention that a corporation so acting as an arm of the Government should be immune from suit.

Only one of the cases referred to by the Chief Justice involved any allegations of tort, and the minority opinion appears to concern itself with contract rights.

Middleton v. Texas Power and Light Company (249 U. S. 150)

This was a case testing the validity of the Texas Workmen's Compensation Act. The plaintiff was a worker who had been injured and who sued outside the Compensation Act, such act then being pleaded as a defense.

The question presented, the Supreme Court said, was whether the Texas employer's liability act was in conflict with the due process and equal protection provisions of the fourteenth amendment to the Constitution. (The similar constitutional question with respect to a Federal status would arise under the fifth amendment.)

After disposing of all contentions made under the equal-protection clause (by holding that the act's discrimination between different classes of workers was neither arbitrary nor unreasonable), the Court said (at p. 162):

"It is argued further that there is a deprivation of liberty and property without due process of law in requiring employees, willingly or unwillingly, to accept the new system where their employer has adopted it. Of course, there is no suggestion of a deprivation of vested property in the present case, since the law was passed in April and took effect in September, while the plaintiff's injuries were received in the following December, after he had been notified of his employer's acceptance of the act. What plaintiff has lost, therefore, is only a part of his liberty to make such contract as he pleased with a particular employer and to pursue his employment under the rules of law that previously had obtained fixing responsibility upon the employer for any personal injuries the plaintiff might sustain through the negligence of the employer or his agents. But, as has been held so often, the liberty of the citizen does not include among its incidents any vested right to have the rules of law remain unchanged for his benefit. The law of master and servant, as a body of rules of conduct, is subject to change by legislation in the public interest. The definition of negligence, contributory negligence, and assumption of risk, the effect to be given to them, the rule of respondent superior, the imposition of liability without fault, and the exemption from liability in spite of fault—all these, as rules of conduct, are subject to legislative modification. And a plan imposing upon the employer responsibility for making compensation for disabling or fatal injuries irrespective of the question of fault, and requiring the employee to assume all risk of damages over and above the statutory schedule, when established as a reasonable substitute for the legal measure of duty and responsibility previously existing may be made compulsory upon employees as well as employers. *New York Central R. R. Co. v.*

White (243 U. S. 183, 198-206), *Mountain Timber Co. v. Washington* (243 U. S. 219, 234)."

Language used in this decision is susceptible of misinterpretation. What the Court is saying here is not that due process is not required under the circumstances, but only that in this case there was due process, in view of the fact that there was a change in the rules of law, affecting everyone alike, and also a reasonable substitute for the legal measure of duty and responsibility previously existing.

Brady, Administratrix, v. Roosevelt Steamship Company (317 U. S. 575)

This case came up on certiorari to review a reversal of judgment for the plaintiff in suit against the steamship company to recover damages for the death of plaintiff's intestate. The deceased was a United States customs inspector who died as a result of injuries sustained when the rung of the ship's ladder broke under him while he was, in the course of his official duties, boarding a vessel owned by the United States.

The Court said: "We agree with the court below that this was a maritime tort over which the admiralty court has jurisdiction. * * * The sole question here is whether the Suits in Admiralty Act makes private operators such as respondent nonsuable for their torts." (It should be noted this case arose prior to the effective date of the Federal Tort Claims Act.)

Continuing, the Court said: "There is ample support for the holding in the Johnson case that section 2 of the Suits in Admiralty Act was intended to provide the only available remedy against the United States or its wholly owned corporations for enforcement of maritime causes of action covered by the act. But there is not the slightest intimation or suggestion in the history of that act that it was designed to abolish all remedies which might exist against a private company for torts committed during its operation of Government vessels under agency agreements.

"Section 1 of the Suits in Admiralty Act provides that no vessel owned by the United States or a governmental corporation or operated by or for the United States, or such corporation shall be 'subject to arrest or seizure by judicial process in the United States or its possessions.'" That section was designed to avoid the inconvenience, expense, and delay resulting from the holdings in *The Florence H.* (248 F. 1012), and *The Lake Monroe* (250 U. S. 246), that libel in rem would lie against vessels owned by the United States. (See S. Rept. No. 223, 66th Cong., 1st sess.; H. Rept. No. 497, 66th Cong., 2d sess.) The wording of that section makes clear that the right to arrest or seize the vessel was taken away whether the vessel was operated by the United States or its wholly owned corporation or for either of them by a private company. To that extent the act affects remedies which would otherwise exist on maritime causes of action arising out of operation of Government vessels by private companies for the United States or its wholly owned corporations. Yet there is no indication whatsoever that it went further and took away any personal remedy which a tort claimant might have against such a private operator. While section 1 abolishes the right to arrest or seize the vessel, section 2 provides that 'a libel in personam may be brought against the United States or against such corporations' in cases where 'if such vessel were privately owned or operated * * * a proceeding in admiralty could be maintained.' Section 2, however, does not mention private operators. Nor do the committee reports advert to private operators, except as they may be affected by section 1. The liability of an agent for his own negligence has long been embedded in the law. *Quinn v. Southgate Nelson Corp.* (121 F. 2d 190), is a recent

application of that principle to a situation very close to the present one. But the principle is an ancient one and applies even to certain acts of public officers or public instrumentalities. As stated in *Sloan Shipyards Corp. v. Emergency Fleet Corp.* (258 U. S. 549, 567), 'An instrumentality of Government he might be and for the greatest ends, but the agent, because he is agent, does not cease to be answerable for his acts.' In that case the Fleet Corp. was held to be amenable to suit. And that policy has been followed. * * * Congress adopted that policy when it made corporations wholly owned by the United States suable on maritime causes of action under section 2 of the Suits in Admiralty Act. That it had the power to grant or withhold immunity from suit on behalf of governmental corporations is plain. *Federal Land Bank v. Friddy* (295 U. S. 229); *Reconstruction Finance Corp. v. Menihan Corp.* (312 U. S. 81). We may also assume that it would have the power to grant immunity to private operators of Government vessels for their torts. But such a basic change in one of the fundamentals of the law of agency should hardly be left to conjecture. The withdrawal of the right to sue the agent for his torts would result at times in a substantial dilution of the rights of claimants. * * * We can only conclude that if Congress had intended to make such an inroad on the rights of claimants it would have said so in unambiguous terms."

Luther v. Borden et al. (7 Howard, at p. 45)

This early (1849) case, in which Mr. Chief Justice Taney delivered the opinion, was an action of trespass brought by Martin Luther against the defendants for breaking and entering the plaintiff's house. The defendants pleaded justification in that their actions were those of soldiers acting by command of their superior officers.

In the course of his opinion, Mr. Chief Justice Taney said: "The remaining question is whether the defendants, acting under military orders issued under the authority of the government, were justified in breaking and entering the plaintiff's house. In relation to the act of the legislature declaring martial law, it is not necessary in the case before us to inquire to what extent, nor under what circumstances, that power may be exercised by a State. Unquestionably a military government, established as the permanent government of the State, would not be a republican government, and it would be the duty of Congress to overthrow it. But the law of Rhode Island evidently contemplated no such government. It was intended merely for the crisis, and to meet the peril in which the existing government was placed by the armed resistance to its authority. It was so understood and construed by the State authorities. And, unquestionably, a State may use its military power to put down an armed insurrection, too strong to be controlled by the civil authority. The power is essential to the existence of every government, essential to the preservation of order and free institutions, and is as necessary to the States of this Union as to any other government. The State itself must determine what degree of force the crisis demands. And if the government of Rhode Island deemed the armed opposition so formidable, and so ramified throughout the State, as to require the use of its military force and the declaration of martial law, we see no ground upon which this court can question its authority. It was a state of war; and the established government resorted to the rights and usages of war to maintain itself, and to overcome the unlawful opposition. And in that state of things the officers engaged in its military service might lawfully arrest anyone, who, from the information before them, they had reasonable grounds to believe was engaged in the insurrection; and might order a house to be forcibly entered and searched,

when there were reasonable grounds for supposing he might be there concealed. Without the power to do this, martial law and the military array of the government would be mere parade, and rather encourage attack than repel it. No more force, however, can be used than is necessary to accomplish the object. And if the power is exercised for the purposes of oppression, or any injury willfully done to person or property, the party by whom, or by whose order, it is committed would undoubtedly be answerable."

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.
ADDITIONAL SUPPLEMENTAL APPROPRIATIONS, 1951—CONFERENCE REPORT

Mr. McKELLAR. Mr. President, I submit a conference report on H. R. 9920, making additional supplemental appropriations for 1951, and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will read the report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9920) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 11, 13, 14, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29 and 30, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$10,000,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$1,065,000,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following: "five hundred"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$66,500,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 4, 5, 6, 8, 12, 15, 17, 22 and 23.

KENNETH McKELLAR,
 CARL HAYDEN,
 ELMER THOMAS,
 RICHARD B. RUSSELL,
 PAT MCCARRAN,
 JOSEPH C. O'MAHONEY,
 STYLES BRIDGES,
 CHAN GURNEY,
 KENNETH S. WHERRY,
 GUY CORDON,

Managers on the Part of the Senate.

CLARENCE CANNON,
 GEORGE MAHON,
 MICHAEL J. KIRWAN,
 JOHN TABER,
 R. B. WIGGLESWORTH,

Managers on the Part of the House.

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

The VICE PRESIDENT. The Senator from Tennessee [Mr. McKELLAR] has 30 minutes, if he wishes to take it, and the Senator from New Hampshire [Mr. BRIDGES] has 30 minutes.

Mr. McKELLAR. Mr. President, I move that the conference report be agreed to.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. LANGER. Mr. President—

The VICE PRESIDENT. The only question is on agreeing to the conference report presented by the Senator from Tennessee. There are two other matters in disagreement.

Mr. WHERRY. Mr. President, before the report is agreed to, will not the distinguished Senator from Tennessee, for the benefit of those who might desire to debate the matters which have been compromised, give an explanation of what the conference report does? Will the Senator not make a brief statement?

Mr. McKELLAR. I shall be glad to do so.

Mr. President, the conferees have agreed on every item in the bill except two. I believe a larger number of Senate amendments than House amendments were adopted.

As the Senate will recall, for a number of years there has been brought before the Senate and the House an item for the Buggs Island Dam. It was finally agreed to, and the dam is being constructed.

Amendment No. 8 has to do with the following provision:

For construction and acquisition of transmission lines, substations, and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U. S. C. 825s), as applied to the southeastern power area, including purchase (not to exceed five) and hire of passenger motor vehicles, \$1,850,000, to remain available until expended.

The House inserted that language for the reason that the Government has spent a very large sum of money in building this great enterprise in the State of Virginia at Buggs Island.

As I understood, the Senators from that State were strongly in favor of it. At all events, the Government has built the dam, as it has built other dams, at great cost.

Under this measure the Virginia power company will build the transmission lines from this project to Langley Field; that is the purpose. The Government now has built the dam; the Government owns it. The proposal is that the Government turn it over to the private power company.

We have had this fight with the private power companies for a number of years, as all Senators know.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. AIKEN. Does this mean that a single power company will get the full benefit of the power generated there?

Mr. McKELLAR. I cannot say that. They claim that if they are allowed to build lines to Langley Field, they will provide the power as cheaply as the Government could do so.

Mr. AIKEN. Will the private power company have control of the lines from the bus bar?

Mr. McKELLAR. The private company will have the only transmission lines.

Mr. AIKEN. That means, does it not, that the private company will get all the power?

Mr. McKELLAR. In my judgment, that will happen.

Mr. AIKEN. And it will be power that will be generated at Government expense.

Mr. McKELLAR. I wish to say that this matter was brought out before our committee. Incidentally, the committee was opposed to my view that we should let the Government develop these lines. The dam will not be completed for 2 or 3 years.

Mr. President, why should we allow these proposed contracts to be made? If this language is retained, the Government will still have control. If not, the Virginia power company will control; it is a private power company, and it will control this business to Langley Field. I do not think that should be done. I opposed it; but a majority of the members of my committee are against me, and voted the other way.

This matter went to the House, and the House refused to accept the Senate amendment. So the first proposition before the Senate is whether we shall move to recede from the Senate amendment and concur in the action of the House.

Later on I shall move that the Senate recede and concur. I do not think this important bill should be held up in order to aid a private power company at this time.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. CHAVEZ. I simply wish to become acquainted with what the conferees did with reference to the Buggs Island power plant. As I recall, in the committee the idea was that inasmuch as the Government had constructed the power plant it would be advisable to have some control of the distribution of the power by the private concern. Is that correct?

Mr. McKELLAR. This provides that the company will control it.

Mr. CHAVEZ. But the taxpayers paid for the plant; the Government built it.

Mr. McKELLAR. Yes.

Mr. CHAVEZ. The Senate amendment provides for the distribution of the power under private control; is that correct?

Mr. McKELLAR. Yes. After the Government has built the dam this amendment provides that the power shall be turned over to the private power company.

Mr. CHAVEZ. Do I correctly understand that if we accept the language the House has provided the Government will continue to have control?

Mr. McKELLAR. Yes; it will continue to have absolute control of it, and in my judgment it should have.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. LANGER. I did not quite understand the explanation. How much did the Government spend for the dam and the improvements?

Mr. McKELLAR. I shall have to supply those figures.

Mr. BRIDGES. Mr. President, will the Senator permit me to answer that question?

Mr. McKELLAR. Yes; I shall be glad to have the Senator from New Hampshire do so.

Mr. BRIDGES. The estimated Federal Government cost is \$78,800,000.

Mr. McKELLAR. Yes; \$78,800,000. Yet it is now proposed that we turn it over to the Virginia Power Co.

The committee estimated that the cost will be approximately \$80,000,000. Of course, the work has not yet been finished, but fifty-odd-million dollars have actually been appropriated.

Mr. LANGER. Mr. President, will the Senator yield further?

Mr. McKELLAR. I yield.

Mr. LANGER. Will the Government have anything to say about the rates, or will the rates be fixed by the State of Virginia?

Mr. McKELLAR. Very high rates have been charged in the State of Virginia—rates approximately double what the Government would charge under this project, I believe.

At the present time, although the company has made no contract, it says it will do better than it has in the past, so far as rates are concerned.

Mr. LANGER. Mr. President, will the Senator yield further?

Mr. McKELLAR. I yield.

Mr. LANGER. Did any other member of the committee take the same position that the distinguished chairman of the committee took?

Mr. McKELLAR. Does the Senator mean in regard to the motion to concur?

Mr. LANGER. Yes.

Mr. McKELLAR. Oh, yes; there are at least five that I know of. Would the Senator like me to name them?

Mr. LANGER. Yes, please.

Mr. McKELLAR. I shall be glad to: the Senator from Tennessee [Mr. McKELLAR], the Senator from Arizona [Mr. HAYDEN], the Senator from Oklahoma [Mr. THOMAS], by proxy, the Senator from Georgia [Mr. RUSSELL], and the Senator from Wyoming [Mr. O'MAHONEY]. They are the ones among the conferees. Those five have signified to me that they do not wish to hold up this bill and they do not wish this bill to fail because of this provision.

The House has passed on it twice. The chances are that if we vote to insist upon the Senate amendment, we may not be able to enact this bill at this session, and then in the next session the new Congress will have to go over this measure again. I hope to heaven the Senate will not permit that to occur.

Mr. CHAVEZ. Mr. President, will my good friend from Tennessee yield to me for a moment?

Mr. McKELLAR. I yield.

Mr. CHAVEZ. I attended the discussion and the consideration of this item before the Appropriations Committee, and there is no question as to the state of mind of the committee as a whole. The members of the committee wanted to be fair with the private power company; but as the evidence developed, it appeared that for what could be done now for 3 cents the private power company was charging 10 cents.

Of course, the representatives of the private power company said, in effect, "If we are permitted to do this, we will reduce the rate." However, that reduction could have been made by now.

Mr. McKELLAR. There is no contract or agreement to that effect; is there?

Mr. CHAVEZ. That is correct.

The private power company could reduce the rate from 10 cents to 9½ cents or to 9 cents, of course, and still act in accordance with that statement; but still there would not be a reduction to the 3-cent rate.

I personally think we should accept the conference report insofar as the House language is concerned.

Mr. McKELLAR. I thank the Senator.

Mr. President, I now turn to the next item, amendment No. 17, on page 13 of the bill. This is language in what is known as the Tennessee Valley Authority item in the bill. The language is as follows:

Provided, That purchases and contracts for supplies or services may be made by the Authority during the fiscal year 1951 without regard to any provision of law relating to advertising or competitive bidding.

The Tennessee Valley Authority is largely in my State; but in order to get the bill through, and because I believe in competitive bidding, I am going to move that the Senate agree with the House action. The House has passed on this item twice. I do not believe the House will change its position. Unless we agree to the motion to recede and concur, insofar as these two amendments are concerned, I doubt that any bill of this sort will be enacted at this session, and I am quite sure that the Senate wants this bill enacted. We have done a tremendous amount of work on the bill, and at this late day, it ought not to be defeated in the Senate.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. HAYDEN. I understand the time is limited. I should like to have about 5 minutes.

Mr. McKELLAR. Yes. I promised to yield to the Senator from Illinois, but I will yield to him later.

The VICE PRESIDENT. The Chair would suggest that the debate on the amendments has taken place on the motion to agree to the conference report. The report must be agreed to before any motion can be made in regard to the amendments which are in disagreement.

Mr. HAYDEN. Let us agree to the conference report.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. BRIDGES. Mr. President, is this a vote on the conference report?

The VICE PRESIDENT. That is correct.

Mr. BRIDGES. It is not a vote on the amendments which are still in disagreement.

The VICE PRESIDENT. The vote is on agreeing to the conference report, which has been agreed to by the conferees. The two amendments will have to come up separately.

Mr. BRIDGES. Is the division of time to hold on the amendments?

The VICE PRESIDENT. One hour is permitted on the report, and that includes the amendments.

Mr. BRIDGES. So there will be a full half hour allocated to the Senator from New Hampshire on the amendments, then, is that correct?

The VICE PRESIDENT. That is correct, if the Senator does not take any of it on the motion to agree to the conference report. The question now is on agreeing to the conference report.

The report was agreed to.

The VICE PRESIDENT laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 9920, which was read as follows:

IN THE HOUSE OF
REPRESENTATIVES, U. S.,
January 1, 1950.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 12, and 15 to the bill (H. R. 9920), making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, and concur therein;

That the House recede from its disagreement to the amendment of the Senate numbered 1 to said bill and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"PAYMENT OF SUMS DUE DECEASED
CONGRESSIONAL PERSONNEL

"When any person dies while serving as a Senator or officer or employee of the Senate, the disbursing officer of the Senate shall pay to the widow or widower of such person, or, if there is no widow or widower, to the next of kin or heirs at law of such person, any unpaid balance of salary or other sums due such person at the time of his death.

"Section 50 of the Revised Statutes shall not be effective as to persons included within the foregoing."

That the House recede from its disagreement to the amendment of the Senate numbered 5 to said bill and concur therein with an amendment as follows: In lieu of the sum of \$10,000,000 named in said amendment, insert: "\$7,000,000."

That the House recede from its disagreement to the amendment of the Senate numbered 22 to said bill and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert:

"CHAPTER VIII

"DISTRICT OF COLUMBIA

"(Out of revenues of the District of Columbia)

"Office of Civil Defense

"For an additional amount, for 'Office of Civil Defense,' \$250,000; and appropriations

granted under this head for the fiscal year 1951 shall be available for personal services without reference to the civil-service laws as related to recruitment."

That the House recede from its disagreement to the amendment of the Senate numbered 23 to said bill and concur therein with an amendment as follows: In lieu of the words "5 per centum" named in said amendment, insert: "3 per centum."

That the House insist upon its disagreement to the amendments of the Senate numbered 8 and 17 to said bill.

Mr. McKELLAR. I should like to have the amendments of the House to the amendments of the Senate, to which there is no objection, namely, those numbered 1, 5, 22, and 23, agreed to; following which I shall yield to the Senator from Arizona [Mr. HAYDEN].

The VICE PRESIDENT. The question is on agreeing to amendments of the House to the amendments of the Senate numbered 1, 5, 22, and 23.

The amendments were agreed to.

The VICE PRESIDENT. The Senator from Tennessee yields 5 minutes to the Senator from Arizona.

The Chair suggests that a motion should be made at this time in regard to amendment No. 8.

Mr. HAYDEN. Mr. President, I desire to move—

The VICE PRESIDENT. Is the Senator from Arizona now making that motion?

Mr. HAYDEN. I move that the Senate recede from its amendment No. 8.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona that the Senate recede from its amendment No. 8.

Mr. McKELLAR. Amendments Nos. 8 and 17 are both in disagreement.

Mr. HAYDEN. I will include them both.

I should like to discuss No. 8 for a moment.

The situation as I see it is this: Until the House of Representatives made an actual appropriation of money for the construction of this transmission line, the Virginia Electric Power Co. did not submit any kind of satisfactory agreements to wheel the power from Buggs Island to Langley Field, but it has now submitted something which upon its face looks like a fairly satisfactory contract. I think, however, it is the part of wisdom to arm the Department of the Interior with the money with which to commence construction of a transmission line, pending the time when an agreement of that kind indicated is finally consummated. I base that statement upon experience.

The first experience we had was when the power companies in Arkansas, Oklahoma, and Texas opposed the hooking together of the various Government dams in that area, with the idea that each power company would go to the particular dam nearest it to get the power at the bus bar. The dams in the Southwest area were hooked together. The Texas Power & Light Co., we may say, then saw the light, and made a proper wheeling contract with the Government. Subsequently, Congress made the same kind of arrangement, whereby the Government would build transmis-

sion lines in the Southwestern Power area, unless the private power companies agreed to wheel the power to municipalities, cooperatives, and to Government agencies. A satisfactory agreement was reached and last year Congress rescinded \$6,000,000 appropriated for those transmission lines.

A similar situation prevailed in Colorado in the case of the Colorado public utilities. We appropriated the money for transmission lines, conditioned upon the inability of the power company to make a proper contract with the Government. The utility company made a contract. We appropriated money last year to the Bonneville Administration, for the purpose of building transmission lines in western Montana, with the understanding that if a proper agreement were made with the Montana Power Co., the money would not be spent. The agreement has been made. There is one agreement of that kind still pending between the Montana Power Co., and the Reclamation Service which I am satisfied can be adjusted on the same basis.

If Congress arms the Department of the Interior with the money to build this line, we shall, in my judgment, get from the Virginia Power Co. a satisfactory agreement to wheel and distribute the power at a reasonable cost, an arrangement which will materially reduce the price paid by the Government heretofore for power at Langley Field.

I now yield to the Senator from Virginia [Mr. ROBERTSON].

Mr. ROBERTSON. Mr. President, the Senator, of course, knows that the Senators from Virginia, North Carolina, and other States are very much opposed to this item, yet all of us have been disturbed by the statement of the distinguished chairman of the committee that unless the Senate recedes he feels that there will be little chance of completing action on this bill. Certainly every Member of the Senate wants to put the defense needs first. Senators do not want to delay for 1 day, much less for a month, the letting of a contract, if such delay would involve bringing forward a new bill at the next session and holding the necessary hearings thereon.

The distinguished Senator from Arizona has said, if I understood him correctly, that if we get a satisfactory contract from the Virginia Electric & Power Co. to wheel the power from Buggs Island to Langley Field, or wherever the Government might want it delivered, he does not think this money should be spent for a Government transmission line to parallel the existing lines of a taxpaying utility.

Mr. HAYDEN. Mr. President, in substance, I agree with what the Senator says. In the absence, however, of authority to build the transmission line, this company has shown no indication of doing anything even resembling a fair wheeling agreement. If we get a fair wheeling agreement, we ought to treat them just as we did the Oklahoma and Texas power companies, just as we have treated the Colorado power companies, and the Montana power companies. If the contract is advantageous

to the Government, if we can get a rate which will move the power to the preferred customers of the Government—and Langley Field is, of course, the outstanding preferred customer—it will save the Government money; it will avoid the necessity of constructing a new transmission line. If the private company will deliver the power in necessary quantities whenever it is needed and at a reasonable price, there would then be no necessity of making this appropriation. But I say the Government must have the ability to build the transmission line in order to assure that it gets the kind of contract which should be written.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. ROBERTSON. Would it be a fair statement of the Senator's position to say that, if those of us who are putting defense needs first do not continue this fight, but yield to the proposal, as I understand made by the distinguished Senator from Arizona, that there will be a moral obligation upon the Department of the Interior not to spend this money until it has determined whether it can obtain a desirable contract?

Mr. HAYDEN. That is exactly what was stated, in all the other cases.

The VICE PRESIDENT. The Senator's time has expired.

Mr. McKELLAR. Mr. President, will the Senator yield some of his time?

Mr. BRIDGES. Yes, but before yielding, I shall use a minute myself. The general provisions of the bill have been agreed to, and it comes down to two amendments, as to one of which I do not think there will be any controversy. The other relates to the question of a development in Virginia involving the transmission of power to Langley Field, and so on. There is an honest difference of opinion on the approach to this issue, but the committee, after hearing all the evidence, voted 13 to 5 in favor of striking out the House provision. In conference, the Senate conferees insisted on the position of the Senate. The House, yesterday, without any consideration and without any time for discussion, took the other position; so the bill now comes back to the Senate and the question is whether we will accept the House version, or will insist upon our position. That is the parliamentary situation. As to the details of the situation, I should like to yield 5 minutes to the Senator from Virginia.

The VICE PRESIDENT. The Senator from Virginia is recognized for 5 minutes.

Mr. ROBERTSON. Mr. President, I should like to summarize the issues involved. We are having a power plant built at Buggs Island, which is partly in Virginia and partly in North Carolina. It has been a long pull to get the plant built. It was sponsored by the Roanoke River Development Basin. Every sponsor and every supporter of the program contemplated that the power would be used in the basin.

Last fall, when a supplemental defense bill came up, the Department of the Interior had inserted in the bill an item for

the construction of 146 miles of transmission line from Buggs Island to Langley Field. The line would parallel for the most part existing lines of a privately owned, taxpaying utility, which has always served Langley Field and will always be glad to do so. The claim was asserted that it was a defense move. However, the Defense Department said they never heard of it. The NACA said they did not sponsor it. They said they knew nothing about it. They said, "We want the power and we want it at a cheap rate. It is immaterial to us whether we get it from the Virginia Electric & Power Co. or from Buggs Island." They are now getting it from the private company.

Buggs Island would not come into production until early 1953. Unless the projected development at Buggs Island is doubled the current consumed at Langley Field would take every kilowatt of power from Buggs Island, and the rural areas and the REA's in Virginia and North Carolina would be completely denied the cheap Government power which we plan to make available to them. There would be no power left, because it would produce less than 100,000 kilowatts, and it would not be firm power. Representatives of Langley Field have stated that in 1953 there would be times when they would need 150,000 kilowatts.

On December 12, before the House acted, the Virginia Electric & Power Co. offered a new contract to the Government at Langley Field. They testified before us that in their opinion the rates under that contract were less than the contract offered by the Southeastern Power Administration. On December 20, the power company wrote a letter to Langley Field and said, "Since we offered you this agreement on December 12 you have received a proposal from Southeastern. We will give you the exact terms that Southeastern has offered to you."

That is the reason we asked the Committee on Appropriations not to appropriate the money in the present emergency, particularly in view of the scarcity of copper.

What happened in the House? The subcommittee was divided 3 to 3. A motion was made to take the item out of the bill, but it failed. The full committee voted to put it into the bill by a vote of 21 to 17. It came up on the floor of the House, and not a word was said about it. It went through. Then it came to the Senate. The Senate committee voted to delete the item. That action was confirmed without a record vote on the floor of the Senate. The House conferees would not accept the action of the Senate. The item went back to the House yesterday. What happened there? Not a word was said about it. Someone in the gallery said that when the House acted on the amendment on a voice vote, Representative CANNON voted "aye," Representative TABER voted "no," and the Speaker said, "The ayes have it." That is all there was to it.

The VICE PRESIDENT. The time of the Senator from Virginia has expired.

Mr. ROBERTSON. May I have an additional half minute?

Mr. BRIDGES. I yield an additional minute to the Senator from Virginia.

The VICE PRESIDENT. The Senator from Virginia is recognized for 1 minute.

Mr. ROBERTSON. I do not want to take too long. I feel that we are called upon to compromise on a very fundamental principle. I believe that if we had the time to explain the merits of the case the item would be completely eliminated from the bill.

However, we do not have the time to do so. All of us must leave in approximately an hour to attend our respective caucuses. We must finish action on the bill today. I merely wish to say that if in the present emergency we are forced to compromise in behalf of our defense on a principle for which we have stood I hope it will be clearly understood that there will be no shilly-shallying with us by the Department of Interior if we say, "You are not to spend this money until we have seen whether you can get a suitable contract." We expect them not to spend the money until such time, and the contract has already been offered.

Mr. BRIDGES. Mr. President, I yield 10 minutes to the Senator from Oregon.

The VICE PRESIDENT. The Senator from Oregon is recognized for 10 minutes.

Mr. CORDON. Mr. President, I wish to say first to my colleagues that I hope they will keep in mind that we have before us a \$20,000,000 supplemental appropriation bill for defense purposes. The amendment now under discussion provides funds for a first installment of some \$7,000,000 for the construction of parallel transmission lines from Buggs Island generating plant to Langley Field, for the purpose of supplying electric energy to a Government defense installation at Langley Field.

Two offers have been made by the Virginia Electric & Power Co. The undisputed testimony before the committee was that the total necessity at Langley Field could be met by the Virginia Electric Power Co. from generating sources which it now has in existence or under construction, at a time prior to the time the electricity would be needed, for less money than the Federal Government could supply it from Buggs Island.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CORDON. I have only 10 minutes. If the Senator will ask a question, I shall be glad to yield for that purpose.

Mr. McKELLAR. The Senator said there is no proof to the contrary. The Senator remembers the proof to the effect that the Virginia Co.'s lines cannot at present carry the required power to Langley Field, and the company would have to construct new lines in order to do so.

Mr. CORDON. The testimony is that two additional lines are now being constructed which would carry the power, and another would be constructed if the offer were accepted.

Mr. President, I think the RECORD should show that I believe I know as much about the situation as any other Senator on the floor. I have studied the

subject, and am prepared to prove any statements I make with respect to it. When I say an offer has been made, I mean an offer has been made in writing to the NACA, and the offer is good at this minute. If we look at the issue solely from the standpoint of defense, there is nothing which would back up or justify this kind of appropriation.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. CORDON. I am sorry I cannot yield within the time I have allotted to me.

Mr. CHAVEZ. I merely wanted to keep the record straight.

Mr. CORDON. I am sorry. If I had the time, I would be very happy to yield. There are some other factors involved. There is the Buggs Island Dam, where some 208,000 kilowatts will be generated in 1953. The Government does have the investment. Some lines ultimately will be needed, whether they are built by the Government or by the Virginia Electric Power Co. under a wheeling agreement, as has been done in Montana, Oklahoma, and Texas. Those factors are all in this picture; but from the standpoint of the defense factor, the undisputed testimony with reference to the offer which has been made is that the company is ready, able, and willing to furnish the necessary power at a rate less than the Government's rate. That is in the record.

Mr. CHAVEZ. Mr. President—

Mr. CORDON. Coming to the next point, the question of the transmission of the Buggs Island power, the testimony is that the company has offered to enter into a wheeling agreement on the basis of the Montana, Colorado, and Oklahoma contracts. Let me say at this point that in my mind the testimony is equally clear that the company could have made the offer long ago and did not. Unquestionably the company was forced into making the offer by the fact that the Government power was there and was going to be moved.

I have no brief whatever for the Virginia Electric Power Co. However, it is an institution which is financially able to carry out its commitments. It has a record of carrying out its commitments. It has made an offer in writing which would answer the necessities of the Government for power at Langley Field. Whether we can rely on the testimony as to the contents of the offers being exactly the same, I cannot tell the Senate. I am not an electrical engineer. The testimony was that they were. The testimony will be found on pages 342 and 343 of the hearings.

Mr. CHAVEZ. Mr. President—

Mr. CORDON. I am sorry I cannot yield, because I do not have the time. I regret it.

Mr. CHAVEZ. I am just wondering whether the Senator—

The VICE PRESIDENT. The Senator from Oregon declines to yield.

Mr. CHAVEZ. Very well. He is not required to do so.

Mr. CORDON. I wish I could yield. I regret that I do not have the time to go into the facts. We are face to face with this question. This is the last day

of the session. On two occasions the House acted without any knowledge of the facts. In my opinion, the thing that ought to be done is to save to the Federal Government \$7,000,000 which it does not need to spend at a time when it is called upon to spend billions of dollars for defense purposes.

On the other hand, if at this time we take the action which I believe is the proper action, the bill must go back to the House and probably into another conference. That cannot be done. I recognize that fact when I say that I feel that we should have before us at this time the status of the matter as the record itself discloses it. I have tried in a few words, probably with oversimplification, to present it. I shall not oppose the motion to recede. I do not think it ought to be done. However, I understand that there is a \$20,000,000 bill hanging in the balance. That is more important than even the total of \$7,000,000 involved in building some transmission lines in Virginia.

The Senator from Arizona [Mr. HAYDEN] and I have worked on these problems time after time. I join with him in voicing the hope that when this money is made available the Interior Department will understand that it is made available solely for the purpose of building lines if the contracts mentioned cannot be executed. When we say that we mean contracts based upon the Texas, Oklahoma, Colorado, and Montana wheeling contracts. That does not mean giving control over Government power to anyone but the United States Government. The people get the benefit of the power just as they would if the Government were to spend its dollars to do the same thing.

Having made that statement, I shall not oppose the motion, although I regret that we do not have time to present the entire case and reach a decision which, in my opinion, the facts warrant.

Mr. BRIDGES. Mr. President, I yield 3 minutes to the Senator from North Carolina [Mr. HOEY].

Mr. HOEY. Mr. President, I was very strongly in favor of the amendment which was adopted by the Appropriations Committee. I thought it was very proper action. The amendment was adopted by a vote of 13 to 5. I do not happen to be a member of that committee, but I am familiar with the entire situation.

I am opposed to the Government building transmission lines or engaging in private business anywhere if private enterprise will meet the conditions and respond to the needs.

The Senator from Arizona [Mr. HAYDEN] has very strongly stated the position of the Senate with reference to the other contracts. I believe that the same policy should be pursued in this case. At this time I shall not oppose adopting what the House has done, because I think to do otherwise would jeopardize the entire appropriation bill. However, I think it ought to be distinctly understood that the mind and thought of the Senate is not that the Government should go into private business and build transmission

lines when private enterprise is willing to do it and wheel the power at a price comparable to that which the Government could achieve by its own action.

The reason I say that is that there is a very definite disposition in the Interior Department to go after private utilities and interfere with private companies. In my opinion, no one can dispute that fact. I think it is going too far in my own State, where we are served by the Bugg's Island development, which is in Virginia. We have all supported that development.

There is a proposal pending by which the Virginia Electric Power Co. would build a big power plant in North Carolina at Roanoke Rapids. The Power Commission has heard the case, and the examiner has approved the project. Yet the Interior Department is going before the Power Commission and trying to defeat the effort of this company to build a dam to furnish power which is very greatly needed. The State of North Carolina, the State of Virginia, the REA's, and many private owners need the power. This company has offered to build a dam. The Federal Power Commission examiner, after hearing the case for weeks and months, decided that it should be built. Yet the Interior Department has intervened before the Federal Power Commission and is trying to stop the private company from building the dam, because that is one of the projects which it had hoped some day to include in the Bugg's Island project. The beginning of construction would not be reached before 1952 or 1953. It is said that there is a great scarcity of power in that section; yet the Department of the Interior is deliberately stalling and trying to prevent the building of a dam at Roanoke Rapids. I believe that the policy of the Interior Department is contrary to the policy which the Senate has adopted, which the Congress has heretofore approved, and which the public welcomes.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. HOEY. I yield.

Mr. SALTONSTALL. As one of those who voted in support of the position which the Senate originally took, I have listened with great interest to what the Senator has just said. What I cannot understand is this: If we now recede, as the Senator from North Carolina has urged, how can the position which we have heretofore taken be retrieved? Will it not be completely water over the dam? If we authorize the first appropriation, we must authorize the remaining appropriations, must we not?

Mr. HOEY. I agree with the Senator. However, I feel that probably we ought not hold up the entire appropriation bill at this late hour merely because of this item.

As the Senator from Arizona [Mr. HAYDEN] has said, there should be an understanding that this money shall not be used for the purpose of building transmission lines if satisfactory contracts can be obtained.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. HOEY. I yield.

Mr. TAFT. Why should the Senate yield, rather than the House?

Mr. HOEY. I thoroughly agree with the Senator. However, the question is one of limitation of time.

Mr. TAFT. The House is in session. It has not yet passed the War Powers Act. I see no reason why it cannot recede.

Mr. HOEY. I should be entirely willing to take that position. The only thing I was interested in was not jeopardizing the entire appropriation bill.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. HOEY. I yield.

Mr. SALTONSTALL. If the Senator's position is correct, what steps are going to be taken toward getting the additional power in his State about which he is talking, and the dam which he wishes to see built?

Mr. HOEY. That is not involved, I will say to the Senator.

The VICE PRESIDENT. The time of the Senator from North Carolina has expired.

Mr. HOEY. Mr. President, will the Senator from New Hampshire yield me half a minute more?

Mr. BRIDGES. Yes.

Mr. HOEY. As I said, that is not involved in the appropriation. What I was talking about was the fact that the Interior Department is taking an attitude of antagonism to private enterprise and private utilities, and undertaking to undermine them wherever it has the opportunity. In my State the additional dam which the private company wants to build is not involved in this appropriation at all. That is merely a thing for which it hopes to obtain an appropriation in the future, which I shall oppose when it comes up.

Mr. BRIDGES. Mr. President, I yield 2 minutes to the Senator from Michigan [Mr. FERGUSON] to address a question to the chairman of the committee.

Mr. FERGUSON. Mr. President, the question I wish to ask the Senator from Tennessee, is this: Would it be possible for the Senator from Tennessee to talk to the Secretary of the Interior and obtain from him an understanding that before he will proceed to build this line with the Government's money he will notify the Senate, and wait at least 30 days? Can the Senator obtain such an understanding so the Senate may act today on the emergency legislation?

Mr. McKELLAR. Mr. President, I have not talked with the Secretary of the Interior at all on the subject.

Mr. FERGUSON. Can the Senator talk to him and come back to the floor with an answer?

Mr. McKELLAR. I do not think so. We have just a few minutes left. If the Senator wants to vote against the report, he can do so; that is all.

Mr. CHAVEZ. Mr. President—

The VICE PRESIDENT. The time is divided between the Senator from Tennessee [Mr. McKELLAR] and the Senator from New Hampshire [Mr. BRIDGES]. The Senator from Tennessee has 13 minutes left. The Senator from New Hampshire has 5 minutes left.

Mr. McKELLAR. Mr. President, I promised to yield to the Senator from Illinois [Mr. LUCAS]. I wish to make that statement for the benefit of the Senator from New Hampshire.

Mr. CHAVEZ. Mr. President, will the Senator yield me 1 minute?

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from New Mexico?

Mr. McKELLAR. Yes.

Mr. CHAVEZ. Why should we ask the Secretary of the Interior what he is going to do? We are passing the law. Is that not correct? I should like to have some Senator answer that question. Why should we ask any Cabinet member what he is going to do?

Mr. FERGUSON. If the bill is passed as it now reads there would be no strings attached to the money. He could use it tomorrow.

Mr. CHAVEZ. Except that the Senator from Arizona [Mr. HAYDEN] has told us over and over—and I trust him to the full extent—that unless actions are taken in a certain way they cannot be taken at all. Is that correct?

Mr. HAYDEN. If I had time—

The VICE PRESIDENT. The time of the Senator from New Mexico has expired.

Mr. McKELLAR. Mr. President, has the Senator from Michigan concluded?

Mr. FERGUSON. Yes.

Mr. McKELLAR. I now yield to the Senator from Illinois [Mr. LUCAS].

The VICE PRESIDENT. The Senator from Illinois is recognized for 12 minutes.

FAREWELL ADDRESS BY SENATOR LUCAS

Mr. LUCAS. May I ask the Senator from New Hampshire if he has any time left?

Mr. BRIDGES. I think I have 5 minutes.

Mr. LUCAS. I may want to ask the Senator to yield me a minute.

Mr. BRIDGES. I yield to the Senator from Illinois the additional time he may need.

Mr. LUCAS. Mr. President, the most interesting and fruitful period of my life will be concluded on tomorrow. For 12 years I have had the high honor of representing the State of Illinois in the foremost Legislative Hall in all the world.

The people of the great State of Abraham Lincoln and Stephen A. Douglas were kind enough to entrust to me legislative power and authority that can only come to one living in a democracy such as ours.

Tomorrow I relinquish that trust. I return it to the people. They are the Government. They give—they also take away. May such a cherished and fundamental right remain inviolate forever. If so, our Republic will approach immortality.

In leaving this hallowed chamber, consecrated so long ago to the cause of liberty, I do so with many solemn recollections. When I entered the Senate in 1939 the world was moving into the shadows of a global war. Since that hour I have been privileged to take part in many great decisions involving the welfare of my fellow Americans and the fate of mankind. In lifting my voice and

casting my vote upon every occasion, I have kept one great objective before me—the cause of world peace.

Mr. President, I shall never forget the strong and affectionate ties which bind Members of this body, irrespective of their political affiliations. There is a feeling of fellowship which permeates this Legislative Hall that does not exist in any other body of men in all the world. To Members on both sides of the aisle I express my gratitude for their years of tolerance, forbearance, and cooperation.

However, I would not for one moment want to leave the impression that all my legislative days have been filled with sunshine and joy. I have had some painful collisions with some of my distinguished colleagues. But, in the main, the colloquies and debates have been tempered with a strict observance of justice and public faith and in keeping with the best traditions of the past.

So, Mr. President, as I say farewell, I do it knowing that my long association with so many able public servants has made me a better and more useful American. A study in government over such a long period of time has given me wide knowledge of national and international affairs. The experience gained in these troubled years qualifies me to compare our beloved country with strife-torn, poverty-ridden, and tyrannical nations in other parts of the world. Any thoughtful and wide awake patriot who thoroughly understands that sharp contrast between our Nation and others, lives with the words in his heart, "Thank God, I am an American." But to those of us upon whom has rested the grave responsibility of solving the world-shaking problems brought about by despots, tyrants, and dictators, the great privilege of being an American penetrates to human depths which cannot accurately be measured.

Yes, to be an American is the greatest privilege that can come to a human being. Millions behind the iron curtain, millions in far-off desolated lands, tortured and miserable souls, yearn for an opportunity to find a refuge from their sorrows and troubles on the blessed soil of America.

But, Mr. President, the things that have made this country the envy of the world—our cherished institutions, our respect for the dignity of the human being, our high standard of living—are in mortal danger of destruction. Communism, the antithesis of democracy, is on the march throughout the world. The Communist ideology is striving desperately for supremacy everywhere. The seriousness of this cannot be underestimated. The smug, the complacent, the selfish, and the obstructionist must awaken to the grave dangers which lie ahead. We cannot live on the glories and the accomplishments of the past, renowned as they are. Free peoples everywhere face a supreme challenge by those cruel forces which are pledged to destroy our destiny. The lofty principles of God and the rights of man demand that we meet and defeat that challenge.

Mr. President, if we have faith in the future of our country and can find a formula for unity, I submit that another

great war is not inevitable. With this combination, we can preserve our Nation through sacrifice and toil so that the generations yet to be born will be endowed with a heritage which equals or surpasses that which was handed down to us by our fathers.

Mr. President, one of the ways to reach this coveted goal is for those high in the councils of the Nation, whether they be Democrats or Republicans, in concord and in unity, to fight the hideous creeping creature of communism wherever it may be found threatening directly or indirectly the safety and security of our Republic. If such an ungodly concept of human affairs should ever find its wicked and monstrous way into a republic that was founded on the theory that we are a nation of laws and not of men, then the last best hope of freemen is doomed. Folly and madness will be the forerunner to a life of slavery. I believe with all of my heart that "resistance to tyrants is obedience to God."

Mr. President, it took the Pearl Harbor disaster to bring about national unity in 1941. Will it be necessary for the Kremlin to drop a bomb on Washington before we obtain the unity we ought to have in this crisis? Is there a Senator who does not believe that the Communists, working out of Moscow, seek to dominate the world? Do not the huge land army and air force of the Russians, along with the Soviet-armed and dominated satellite nations, admonish us to take all fair and honorable means to meet such potential aggression?

With the liberty of every loyal American at stake in this cold and hot war, it seems to me that the time for idle chatter is over. The hour has passed when men in high positions can, for the sake of some political advantage, without jeopardizing their country's safety, fire the imagination of the emotional and the uninformed with reckless and irresponsible charges. The hour has passed when assessment of blame for yesterday's purported mistakes on foreign policy should be constantly resurrected. If some must condemn, I respectfully request that such pronouncements be withheld until a less dangerous day arrives. I ask this not in the interest of any political party but in the name of a united America—yes, in the interest of the soldiers in Korea who now are bearing the brunt of battle with their blood and their lives. In this international crisis the political veneer corroding our foreign policy should be removed lest the body politic suffer a national disaster.

In the conduct of our foreign policy, we are dealing with the lives of our fellow Americans, and we are under a deep obligation to live up to the highest standards. When men are dying in the wastelands of Korea in defense of a great principle based upon world peace and justice, we should disavow every prejudice, forget personal pique and ambition, remove every political roadblock, and strike a blow for national unity that will resound for years in the capitals of those nations where tyrannical masterminds are plotting to destroy us all. Such unity will remove frustration and fear at home and will tell those who scheme against us that they can expect no aid

or comfort from a divided country. It will lift the morale of our allies in the western democracies, as well as the morale of those in other parts of the world who believe in our cause. While unity at home is indispensable, unity among our allies, both in Europe and Asia, is also vital to the success of the free world.

Mr. President, I am one who believes that at this hour we cannot refuse to accept the responsibilities of world leadership. We cannot fail to fulfill the international commitments and obligations we have made. If we should falter and fall at this crucial hour of history, we would hand over the world to Stalin and his ruthless lieutenants. We would lose our friends and allies everywhere. Never before in the history of this Republic has America needed friends and allies as America needs them now. If Europe and the Asiatic nations should fall into the hands of the Communists, America would ultimately stand alone—a garrison state, surrounded by a military wall of iron. Regimentation and austerity over a long period of time would be inevitable. We would bear the crushing burden of an immense army, navy, and air force without any military assistance from our friends across the sea. Such a course would enable the Soviet leaders to attain one of their great objectives in their master plan for world domination. So long as Europe remains free, the Western Hemisphere is safe from Communist domination.

Never let it be said by future historians that Americans—free Americans, if you please—abandoned the freedom-loving peoples throughout the world by failing to unite on our foreign policy.

Mr. President, I would not attempt to say to the Members of this august body that any one man or group of men has the complete answer to what our foreign policy should be. We all understand that under our Constitution the Commander in Chief has the principal responsibility for the formation of our foreign policy. I recognize the different views which honorable men have upon the most intricate and delicate questions which this Nation has ever faced. I also recognize the fact that Congress has a voice in the making of the foreign policy, through both the treaty-making power and the appropriations. I firmly believe that the administration, through its leaders, and the leaders of the minority in Congress should lay aside every political or other consideration, and should compromise their differences on foreign policy. I doubt that there are 10 Members of the United States Senate who today would agree on every detail of a program to solve our international problems. But, Mr. President, we cannot win a war, nor can we win a peace, hopelessly divided. If we remember that, we can, as Americans, unite and achieve a noble victory for all mankind.

Mr. President, this may be a voice crying in the wilderness, but I speak from long experience and the deep conviction that unity is indispensable if permanent peace is to be obtained. I plead in this hour—in this desperate hour—of our existence that politics stop at the water's edge, both in the executive and the legislative branches of our

Government. Give us clear thinking, cool heads, high purpose, firm resolve, unselfish cooperation in the uncertain days ahead. Let the Executive give to the American people all of the information which is possible without jeopardizing our safety and security. Surely there must be a common denominator upon which virtually all members of both branches of Congress could agree with the executive branch of the Government in the solution of European and Asiatic problems.

Mr. President, some may say that I have painted a pessimistic picture, but to me it is a tragically realistic one. Nevertheless, I am and always will be an optimist about the future of America. I could not be otherwise, having been the recipient of her great opportunities. Throughout my career in the Senate and in public life, I have opposed those who preached the gospel of despair. I have opposed the little men of little faith who lack confidence in the strength and the destiny of America. I have opposed the cynics and the disbelievers—those who declared that we could not build 100,000 planes a year; those who declared that we could not defeat Germany and Japan; those who wanted to get down on their knees and surrender to the forces of evil. Mr. President, I have no doubts about our ultimate victory over any ungodly and uncompromising foe if we maintain essential unity and our brotherhood as Americans. If we can have that kind of unity, there is no aggressor wicked and powerful enough to be capable of standing against the resourceful, determined, and intelligent efforts of 150,000,000 free Americans who have faith in Almighty God and the flag. This is the kind of unity that will bring about an everlasting peace based upon law and justice.

Mr. President, we are passing through the most extraordinary and dangerous days since the birth of this Republic. We can destroy all of the things that made America great if we continue to quarrel among ourselves. Let us unite and face the tremendous task which must be done in the spirit of patriotism and forbearance. Let us unite under a flag which has stood, and will ever stand, for the liberties of the human race.

[Applause, Senators rising.]

The VICE PRESIDENT. The time of the Senator from Illinois has expired.

ADDITIONAL SUPPLEMENTAL APPROPRIATIONS, 1951—CONFERENCE REPORT

The Senate resumed the consideration of the motion of Mr. HAYDEN that the Senate recede from its amendments Nos. 8 and 17, to the bill (H. R. 9920) making additional supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes.

The VICE PRESIDENT. The Senator from New Hampshire is recognized for 3 minutes.

Mr. BRIDGES. Mr. President, the issue involved here is a question of private enterprise versus operation by the Federal Government.

Insofar as public power is concerned, when private enterprise refuses to give service for a comparable figure, then, of course, the Federal Government is entitled to enter the field, and should do

so. However, when private enterprise is willing to render the same service for a comparable price, in these days of war in Korea, when there is such a tremendous burden on the finances of the Federal Government, we have no obligation to have the Federal Government enter the field, and, in my judgment, no right to have the Government do so.

That is the issue; and on that issue I ask for the yeas and nays.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. BRIDGES. I yield.

Mr. SALTONSTALL. Does the Senator, in voting on this question, understand that the House is still in session, so that there is an opportunity for further discussion of this subject without holding up the entire military appropriation bill?

Mr. BRIDGES. I do. This is not a question of being for or against the military bill, but it is a question of giving the House another opportunity to pass on this issue.

Mr. McKELLAR. Mr. President, I take issue with the Senator on that point, and I ask for the yeas and nays.

The VICE PRESIDENT. Let the Chairman state the question.

Does the Chair correctly understand that the motion includes both amendments?

Mr. McKELLAR. Yes; both amendments.

The VICE PRESIDENT. The question is on agreeing to the motion—

Mr. WHERRY. Mr. President, I think the only request for the yeas and nays has been in regard to amendment number 8.

Mr. McKELLAR. Mr. President, I made the request for the yeas and nays in regard to both amendments, and so did the Senator from Arizona.

Mr. HAYDEN. Mr. President, I suggest that both amendments be acted on at the same time.

The VICE PRESIDENT. Only by unanimous consent can both amendments be voted on at the same time.

Is there objection?

Mr. BRIDGES. No, Mr. President—

Mr. WHERRY. Let us vote on the amendments one at a time.

The VICE PRESIDENT. Objection is heard.

The question is on agreeing to the motion of the Senator from Arizona that the Senate recede from its disagreement to amendment numbered 8, which is the Southeastern Power amendment.

On this question the yeas and nays have been demanded. Is there a sufficient second?

The yeas and nays were ordered.

Mr. WHERRY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Alken	Clements	Frear
Anderson	Connally	Fulbright
Benton	Cordon	George
Brewster	Donnell	Gillette
Bricker	Douglas	Green
Bridges	Dworshak	Gurney
Butler	Eastland	Hayden
Byrd	Eaton	Hendrickson
Carlson	Ellender	Hickenlooper
Chapman	Ferguson	Hill
Chavcz	Flanders	Hoey

Holland	McClellan	Russell
Humphrey	McFarland	Saltonstall
Hunt	McKellar	Shoepfel
Ives	McMahon	Smith, Maine
Jenner	Magnuson	Smith, N. J.
Johnson, Tex.	Malone	Smith, N. C.
Johnston, S. C.	Martin	Sparkman
Kefauver	Millikin	Stennis
Kem	Morse	Taft
Kerr	Mundt	Taylor
Kilgore	Murray	Thye
Knowland	Neely	Tobey
Langer	O'Connor	Watkins
Lehman	O'Mahoney	Wherry
Long	Pastore	Wiley
Lucas	Pepper	Williams
McCarran	Robertson	Young

The VICE PRESIDENT. A quorum is present. The question is on agreeing to the motion of the Senator from Arizona that the Senate recede from its amendment No. 8. Those who favor the motion to recede will vote "yea" and those who are opposed to the motion will vote "nay," when their names are called.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WHERRY. Am I correct in saying that a vote "nay" means a vote to maintain the Senate's position?

The VICE PRESIDENT. A vote "nay" means not to recede from the Senate's position.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McKELLAR. A vote "yea" is a vote that will mean passage of the bill, is it not?

The VICE PRESIDENT. The Chair thinks Senators are intelligent enough to know what they are voting on.

Mr. SALTONSTALL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SALTONSTALL. Will the Chair inform the Senate whether the House of Representatives is still in session?

The VICE PRESIDENT. In the view of the Chair, that is not a parliamentary inquiry. Furthermore, the Chair does not know.

The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. LUCAS. I announce that the Senator from Colorado [Mr. JOHNSON] is unavoidably detained on official business.

The Senator from South Carolina [Mr. MAYBANK], the Senator from Pennsylvania [Mr. MYERS], the Senator from Oklahoma [Mr. THOMAS], the Senator from Utah [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

Mr. SALTONSTALL. I announce that the Senator from Washington [Mr. CAIN] and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Indiana [Mr. CAPEHART], the Senator from California [Mr. NIXON], the Senator from Massachusetts [Mr. LODGE], and the Senator from Wisconsin [Mr. MCCARTHY] are necessarily absent.

The result was announced—yeas 43, nays 41, as follows:

YEAS—43

Alken	Hayden	Magnuson
Anderson	Hill	Morse
Benton	Humphrey	Murray
Chapman	Hunt	Neely
Chavez	Johnson, Tex.	O'Mahoney
Clements	Johnston, S. C.	Pastore
Connally	Kefauver	Pepper
Cordon	Kerr	Russell
Donnell	Langer	Sparkman
Douglas	Lehman	Taylor
Frear	Long	Tobey
Fulbright	Lucas	Wiley
George	McFarland	Young
Gillette	McKellar	
Green	McMahon	

NAYS—41

Brewster	Hickenlooper	O'Connor
Bricker	Hoey	Robertson
Bridges	Holland	Saltonstall
Butler	Ives	Schoepfel
Byrd	Jenner	Smith, Maine
Carlson	Kem	Smith, N. J.
Dworshak	Kilgore	Smith, N. C.
Eastland	Knowland	Stennis
Eaton	McCarran	Taft
Ellender	McClellan	Thye
Ferguson	Malone	Watkins
Flanders	Martin	Wherry
Gurney	Millikin	Williams
Hendrickson	Mundt	

NOT VOTING—12

Cain	McCarthy	Thomas, Okla.
Capehart	Maybank	Thomas, Utah
Johnson, Colo.	Myers	Tydings
Lodge	Nixon	Vandenberg

So Mr. HAYDEN's motion to recede from amendment No. 8 was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the motion of the Senator from Arizona [Mr. HAYDEN] to recede from amendment No. 17. The motion was agreed to.

The VICE PRESIDENT. That completes action on the conference report.

ORDER OF BUSINESS

Mr. NEELY obtained the floor.

Mr. GEORGE. Mr. President, will the Senator from West Virginia yield to me for a moment, without his losing the right to proceed?

Mr. NEELY. On that condition, I yield.

Mr. LUCAS. Mr. President, will the Senator from Georgia permit me to make an announcement before Senators leave the Chamber?

Mr. GEORGE. Certainly.

Mr. LUCAS. Some time ago the Democratic Members of the Senate arranged for a caucus to be held this afternoon at 2 o'clock. However, it may be that the Senate will remain in session a little beyond that hour. I have conferred with a number of the Democratic Members of the Senate, and it is agreeable with all of them that we meet in our conference at 20 minutes after the adjournment this afternoon. It may be 3 or 4 o'clock before we get into the conference.

Mr. WHERRY. Mr. President, will the majority leader permit a question?

Mr. LUCAS. I yield to the Senator.

Mr. WHERRY. Does the majority leader wish to make any statement about a call of the calendar?

Mr. LUCAS. I do not believe we will have time to call the calendar today.

Mr. McCLELLAN. May I ask the majority leader how long he expects the Senate to remain in session?

Mr. LUCAS. I do not have any particular hour in mind. We have one more conference report to consider.

Mr. McCLELLAN. Did I understand the majority leader correctly to say that when the Senate adjourns for the caucus, it will mean final adjournment?

Mr. LUCAS. That is correct.

Mr. McCLELLAN. There is the war powers bill, which the Senate passed a few days ago and which the House is considering today, and I do not believe it would be advisable for an adjournment to be taken until there had been opportunity to act on that measure.

Mr. LUCAS. I thank the Senator for that information. Under those circumstances we will merely recess, to meet at the call of the Chair.

Mr. McCLELLAN. I believe that would be advisable, because that legislation is important.

LEAVE OF ABSENCE

Mr. WHERRY. Mr. President, will the Senator from Georgia permit me to present a unanimous consent request?

Mr. GEORGE. I yield to the Senator for that purpose.

Mr. WHERRY. As all of us know, the junior Senator from Washington [Mr. CAIN] underwent a rather serious operation in mid-December. It will please his friends to know that his recovery has been rapid, and that he will soon be fully recovered.

It is necessary, however, that the Senator from Washington take some rest before returning to his work in the Senate. I ask unanimous consent that the Senator from Washington may be absent from sessions of the Senate until January 22 next.

The VICE PRESIDENT. The Chair is not certain that the Senate can in one session of Congress grant a Senator leave of absence for the next session.

Mr. WHERRY. Mr. President, I ask that the Senator from Washington be granted permission to be absent from the Senate during the remainder of the Eighty-first Congress.

The VICE PRESIDENT. Without objection, it is so ordered.

AMENDMENT OF SECTION 120 OF THE INTERNAL REVENUE CODE

Mr. GEORGE. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 2183, House bill 7303, to amend section 120 of the Internal Revenue Code.

The VICE PRESIDENT. Is there objection to the request of the Senator from Georgia?

There being no objection, the Senate proceeded to consider the bill (H. R. 7303) to amend section 120 of the Internal Revenue Code, which had been reported from the Committee on Finance with amendments, on page 1, line 8, after the word "by," to strike out "this act" and insert in lieu thereof "section 1," and after line 10, to insert:

SEC. 3. (a) Section 3930 (a) of the Internal Revenue Code (relating to salary, etc., of the General Counsel for the Department of the Treasury) is amended by striking out "\$10,000" and inserting in lieu thereof "\$15,000."

Mr. GEORGE. Mr. President, I ask that the Senate reject the committee amendments to the bill.

The VICE PRESIDENT. The question is on agreeing to the committee amendments.

The amendments were rejected.

The VICE PRESIDENT. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

CHILDREN BORN OUT OF WEDLOCK

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1122) relating to children born out of wedlock, which were, on page 3, line 4, strike out all after "Counsel" down to and including "truth" in line 7, and insert "to determine the validity"; on page 3, line 9, strike out all after "believe" down to and including "believe" in line 14; on page 3, line 15, strike out "thereof" and insert "of the child in question"; on page 3, lines 15 and 16, strike out "by such officer"; on page 3, line 24, after "necessary" insert "by the court"; on page 4, lines 13 and 14, strike out "Washington Asylum and" and insert "District"; on page 5, line 4, strike out "shall" and insert "may"; on page 5, line 5, after "public", insert a comma and "and shall do so"; on page 5, line 15, strike out "shall" and insert "may"; on page 5, lines 15 and 16, strike out "the payment of annual amounts, equal or varying," and insert "payments"; on page 5, line 21, strike out "the", where it appears the first time, and insert "a"; on page 5, line 21, strike out "wherein he resides through" and insert "of"; on page 6, lines 2 and 3, strike out "upon petition of any party in interest"; on page 6, line 5, strike out "child. Hearing on such petition" and insert "child: *Provided, however, That a hearing*"; on page 6, line 1^a, strike out "may" and insert "shall"; on page 6, line 21, after "of", insert "any"; on page 6, line 22, after "may", insert "revoke probation and"; on page 6, line 23, after "year", insert "at any one time"; on page 6, line 23, strike out "the" where it appears the second time and insert "a"; on page 7, line 1, after "judgment", insert "or for commitment for further default"; on page 7, line 3, strike out "suspend sentence" and insert "set aside commitment"; on page 7, line 3, after "and", insert "again"; on page 7, line 15, strike out "for"; on page 7, line 15, strike out "provided" and insert "ordered"; on page 8, line 3, strike out "at any time"; on page 8, line 6, strike out "the" and insert "and"; on page 8, line 21, strike out "the precinct wherein he resides, through the" and insert "a precinct of the"; on page 9, line 11, strike out "approved voluntary agreements" and insert "accept voluntary payments"; on page 9, lines 12 and 13, strike out "and to accept payments made pursuant thereto"; on page 9, line 13, after "and", insert "to"; on page 11, line 12, strike out "attorneys, and the" and insert "attorneys. The"; and on page 11, line 16, after "act", insert a comma and "and to the Bureau of Vital Statistics as provided in section 16 (a) hereof."

Mr. NEELY. Mr. President, I ask unanimous consent that the Senate concur in the House amendments to the bill (S. 1122) relating to children born out of wedlock.

Mr. WHERRY. Mr. President, reserving the right to object—and I do not intend to object—I hope the Senator will state the reason why it is necessary to bring up the subject at this time.

Mr. NEELY. Mr. President, it is not absolutely necessary but it is entirely proper to dispose of this matter today. The bill was passed by the Senate several weeks ago. It was amended by the House. This morning the Committee on the District of Columbia unanimously instructed me to request the Senate to concur in the House amendments.

Mr. WHERRY. Is the report of the committee unanimous?

Mr. NEELY. It is.

Mr. WHERRY. Were the minority members of the committee present?

Mr. NEELY. Yes; the Senator from New Jersey [Mr. HENDRICKSON] and the Senator from Idaho [Mr. DWORSHAK] were present.

The VICE PRESIDENT. The question is on agreeing to the amendments of the House.

The amendments were agreed to.

INTERNAL SECURITY ACT OF 1950

Mr. MCCARRAN. Mr. President, the differences of opinion between the Department of Justice and the Department of State respecting interpretation of certain portions of the Internal Security Act of 1950 have become known to us largely through hearings before the Joint Subcommittee on Immigration and Naturalization.

I ask unanimous consent to insert in the body of the RECORD copies of letters, which are self-explanatory, respecting the interpretation of certain provisions of the Internal Security Act of 1950.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DECEMBER 21, 1950.

HON. J. HOWARD McGRATH,
The Attorney General,
Washington, D. C.

MY DEAR MR. ATTORNEY GENERAL: The differences of opinion between the Department of Justice and the Department of State respecting the interpretation of certain portions of the Internal Security Act of 1950 have become known to us, largely through joint hearings of the Senate and House Subcommittees on Immigration and Naturalization.

We have read with interest the attached file of correspondence, made a part of the record at such hearings, and including—

1. Letter transmitted by you to the Secretary of State under date of October 20, 1950.

2. Three letters transmitted to you from the Department of State dated respectively November 28, 1950, December 5, 1950, and December 6, 1950.

3. Letter transmitted to you under date of November 17, 1950, by Representative FRANCIS E. WALTER, chairman of the Subcommittee on Immigration and Naturalization of the Committee on the Judiciary of the House of Representatives.

After careful study and consideration of (a) certain language of the act of October 16, 1918; (b) identical language which appears in section 22 of the Internal Security

Act of 1950, which amends the foregoing act of October 16, 1918; and (c) the judicial and administrative interpretations of such language, it is the opinion and judgment of the undersigned, who were members of the conference committee on the Internal Security Act of 1950, that the interpretations of such language contained in the above-quoted letters dated respectively November 28, 1950, December 5, 1950, December 6, 1950, and November 17, 1950, are in accord with the established body of judicial and administrative interpretations upon which was premised the reenactment of such language in the Internal Security Act of 1950.

In view of the great importance to this country of a proper administration of the Internal Security Act of 1950, in accordance with the intent of the Congress, we deem it not improper to express our opinion as noted above and most respectfully to urge that you give renewed consideration to this matter.

We each of us extend to you our kindest personal regards and assurances of our highest esteem.

Respectfully,

JOHN S. WOOD, FRANCIS E. WALTER, BURR P. HARRISON, JOHN MCSWENEY, RICHARD M. NIXON, HAROLD H. VELDE, BERNARD W. KEARNEY, who were Managers on the Part of the House on the Internal Security Act of 1950; PAT MCCARRAN, JAMES O. EASTLAND, HERBERT R. O'CONNOR, ALEXANDER WILEY, HOMER FERGUSON, who were Managers on the Part of the Senate on the Internal Security Act of 1950.

OCTOBER 20, 1950.

HON. DEAN G. ACHESON,
Secretary of State,
Washington, D. C.

MY DEAR MR. SECRETARY: It is believed that the following may help to clarify this Department's views as to the administration of the immigration features of the Internal Security Act of 1950.

As you know, the following three general classes of aliens are excluded from admission to the United States by section 22 of the act.

1. Those who would engage in activities which would be "prejudicial to the public interest, or would endanger the welfare or safety of the United States."

2. Those who "at any time, shall be or shall have been members * * * of the Communist or other totalitarian party * * * or organization."

3. Those who are "likely to * * * engage in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in other activity subversive to the national security."

Those in classes 1 and 3 are excluded from admission under any circumstances. As you know, aliens in these categories were excluded from admission under law and regulations and as a matter of policy (22 U. S. C. 223; 8 C. F. R. 175) prior to the Internal Security Act of 1950.

Communists in class 2 were also excluded from admission (8 U. S. C. 137) prior to the Internal Security Act of 1950. Hence, the main new class of aliens excluded by the act are those who are or have been members of any "other totalitarian party * * * or organization." This class, i. e., mere membership, past or present, in a totalitarian party or organization has not heretofore been excluded by law, regulations, or policy.

Hence, the test as to those excluded in category 2 is not whether the alien is considered dangerous to the national security (which is covered by categories 1 and 3) but simply whether or not he is or has been a member of a totalitarian party or organization, regardless of whether or not he may now be harmless, antitotalitarian, pro-American, or the circumstances under which he is

or was a member of such totalitarian party or organization.

Section 3 (15) of the Internal Security Act of 1950 defines totalitarianism as "systems of government not representative in fact, characterized by (A) the existence of a single political party, organized on a dictatorial basis, with so close an identity between such party and its policies and the governmental policies of the country in which it exists, that the party and the government constitute an indistinguishable unit, and (B) the forcible suppression of opposition to such party."

The Nazi, Fascist, and Falangist Parties and organizations have been determined (by reason of immediate cases involving these parties) to be within the class of "other totalitarian party or organization" proscribed by category 2, and consequently there is no alternative to regarding present and former members of such parties or organizations as excludable from admission to the United States in accordance with section 22 of the act.

However, in order to enforce the law and at the same time alleviate undue hardship, the Attorney General has exercised his discretionary authority under the ninth proviso of section 3 of the Immigration Act of February 5, 1917 (8 U. S. C. 136 (q)), to grant temporary admission to aliens in category 2 where the only ground of exclusion is the alien's nominal membership, whether present or past, in either the Nazi, Fascist, Falangist, or other totalitarian party or organization, and it appears that the alien has a good and legitimate reason which would justify such temporary admission.

Such action is authorized by the ninth proviso of the 1917 act (supra) and section 22 of the Internal Security Act of 1950. In each case the Attorney General is obliged by section 22 of the Internal Security Act of 1950 to make a detailed report of such action to the Congress.

It is realized that temporary admission under the ninth proviso of the 1917 act does not furnish a permanent solution to the problem, especially where the alien seeks to enter the United States for permanent residence. However, it is the only expedient available for temporary relief, and it is hoped that it will alleviate undue hardship in legitimate cases until the Congress may consider appropriate amendments to furnish a permanent solution.

This temporary relief is extended by the Attorney General to aliens who departed for the United States prior to the enactment of the Internal Security Act of 1950, those who have arrived after its enactment, and to those who have not yet departed for the United States, subject, of course, to the discretion of the Department of State in the issuance of visas, whether the aliens seek either temporary admission or permanent admission as quota immigrants. As to the latter, however, the immigrants should be advised that their admission, if granted, can only be for a temporary period under the law and that they must assume the risk of having to depart from the United States at the end of such temporary period.

By "nominal" membership, whether present or former in the Nazi, Fascist, Falangist, or other totalitarian party or organization, is meant mere membership during infancy under 16 years of age, or for purposes of obtaining employment, food-ration cards, general education, or through military service, or similar circumstances, and the alien has not actively engaged in advocating totalitarianism or voluntarily taken part in any atrocities committed by such totalitarian party or organization.

By good and legitimate reasons for wanting to enter the United States, is meant for purposes of health, business relations affect-

ing the national economy, in the national interest from a standpoint of foreign relations, or similar considerations.

In cases where the alien has not yet departed for the United States, it is proposed that he should request consideration for advance exercise of the ninth proviso through the appropriate consul and the Department of State. Upon receipt of the request from the Department of State, the Department of Justice will consider the request in the light of the above criteria and advise the Department of State of its decision which may be relayed to the consul. It is anticipated that this procedure may be carried out without any appreciable delay.

The foregoing is respectfully submitted for your consideration as a temporary means of alleviating undue hardship in deserving cases under existing law.

Sincerely,

J. HOWARD McGRATH,
Attorney General.

NOVEMBER 28, 1950.

The Honorable J. HOWARD McGRATH,
Attorney General.

MY DEAR MR. ATTORNEY GENERAL: I refer to your letter of October 20, 1950, in which you outline some of the views of your Department concerning certain provisions of the Internal Security Act of 1950.

While the Department has some doubts concerning several of the propositions enunciated in your letter, it seems necessary for the present to refer only to the provisions of section 1 (2) (C) of the act of October 16, 1918, as amended by the Internal Security Act of 1950, which you state, authorize the exclusion from the United States of aliens who "at any time, shall be or shall have been members * * * of the Communist or other totalitarian party * * * or organization."

For convenience the full text of 1 (2) (C) is herewith quoted:

"(C) Aliens who are members of or affiliated with (i) the Communist Party of the United States, (ii) any other totalitarian party of the United States, (iii) the Communist Political Association, (iv) the Communist or other totalitarian party of any State of the United States, of any foreign state, or of any political or geographical subdivision of any foreign state; (v) any section, subsidiary, branch, affiliate, or subdivision of any such association or party; or (vi) the direct predecessors or successors of any such association or party, regardless of what name such group or organization may have used, may now bear, or may hereafter adopt."

The quotation in your letter seems to have been based upon a combination of two separate provisions of section 1 (2) (C) (iv) and (vi). The word "organization" is clearly separated in the text of the act from the first part of the quotation by an intervening clause, (v), which refers to a "section, subsidiary, branch, affiliate, or subdivision" of the Communist Political Association or of the Communist or other totalitarian party.

Section 1 (2) (C) appears to be composed of categories which are not necessarily alike, beginning with (i) through (iv), which lists the parent or principal association or party followed by secondary or subsidiary groups thereof (v), and thirdly a listing of predecessors or successors of such parent or secondary groups (vi). In this connection (vi) reads:

"The direct predecessors or successors of any such association or party, regardless of what name such group or organization may have used, may now bear, or may hereafter adopt."

It is clear that the German Wehrmacht was not the predecessor of the Nazi Party and that it could not be considered as a suc-

cessor of the Nazi Party since both ceased to exist for all practical purposes with the downfall of the German state.

Attention is also directed to the words "such group or organization," underscored in the above quotation. The word "such," it is believed, should be taken to refer to "predecessors or successors" of the two groups outlined in (i) through (iv) and (v), as previously indicated.

You state that the Nazi, Fascist, and Falangist Parties and organizations have been determined (by reason of immediate cases involving these parties) to be within the class of "other totalitarian party or organization," and you conclude that "there is no alternative to regarding present and former members of such parties or organizations as excludable from admission to the United States." It is not clear, however, whether by condensing and telescoping the language of the statute into the phrase "other totalitarian party or organization" its original and true meaning has been preserved, i. e., that the word "party" refers to the principal or parent organization, while the word "organization," as technically used in the statute refers to the offspring or creation which is subsidiary to the principal or parent party.

In this connection reference is made to the practice of the Immigration and Naturalization Service in holding that aliens who served in the military forces of Germany and Italy were at one time members of, or affiliated with, the Nazi or Fascist Parties or with a totalitarian party or organization, within the meaning of the act. This practice has been discussed by officers of the Department with the officers of the Immigration and Naturalization Service. It has been agreed that neither the German nor the Italian Army under Hitler or Mussolini constituted a totalitarian party within the meaning of the act. In order to hold that aliens who served in those armies are excludable, therefore, it would seem to be necessary to find that the German and Italian armies were "totalitarian organizations" within the meaning of the act.

In a sense, all armies are totalitarian, or at least authoritarian. It obviously was not the intention of Congress to exclude aliens who had served in the French or British Armies. In order to place the German and Italian Armies within the category of a "totalitarian organization" within the meaning of the act, it would seem to be necessary to find that these military organizations were a "section, subsidiary, branch, affiliate, or subdivision" of the parent Nazi or Fascist Parties.

I respectfully submit that this was not the fact. The military forces were arms of the German and Italian Governments and were of a military nature only. They were not in themselves political or party organizations. Membership in the party did not mean affiliation with the military forces, or vice versa. The German and Italian Armies were not created by the Nazi or Fascist Parties, but existed long before these parties came into power. They were not a "section, subsidiary, branch, affiliate, or subdivision" of any party, political or otherwise. In fact the military forces resisted the attempts of the Nazi and Fascist Parties to control them. They were never completely subjugated by, nor subservient to, the Nazi or Fascist Parties, and as late as 1944 there was concluded in the German Army an attempt to assassinate Hitler, the head of the German state and the Nazi Party. It would be a grave error of fact to hold that the German and Italian Armies were "sections, subsidiaries, branches, affiliates, or subdivisions" of the Nazi or Fascist Parties.

On the other hand, there were, of course, some members of the armed forces of Germany and Italy who were members of, or

affiliated with, the Nazi or Fascist Parties, and some were members of, or affiliated with, the "sections, subsidiaries, branches, affiliates, or subdivisions" of the Nazi or Fascist Party. The Nazi Party records are in our hands. In the case of such personal membership or affiliation it may be that the aliens could properly be held to be excludable under the act, but to hold that members of the armed forces, which constituted the nonpolitical arms of these two governments, which governments in turn were controlled by the Nazi and Fascist political parties, makes them members, through the governments, of the parties, or even affiliated with the parties, would be so contrary to the facts that such a construction of the act might possibly be regarded by Congress as an attempt to give it an absurd interpretation in an effort to sabotage or discredit it.

The Department should appreciate your further consideration of, and advice on, this particular question as soon as practicable.

Sincerely yours,

CARLISLE H. HUMELSINE,
Deputy Under Secretary.

DECEMBER 5, 1950.

The Honorable J. HOWARD McGRATH,
Attorney General.

MY DEAR MR. ATTORNEY GENERAL: In accordance with your respect the Department has considered your letter of October 20, 1950, in which you set forth some of your views concerning the provisions of the act of October 16, 1918, as amended by the Internal Security Act of 1950.

Having communicated to you the views of this Department regarding the question whether service in the armed forces of Germany or Italy during the Hitler and Mussolini regimes constituted membership in, or affiliation with, the Nazi or Fascist Parties, or a totalitarian organization within the meaning of the act, and having requested a reconsideration and a further ruling on that question, the Department now desires to invite your attention to certain questions relating to the following statements in your letter:

"The Nazi, Fascist, and Falangist Parties and organizations have been determined (by reason of immediate cases involving these parties) to be within the class of 'other totalitarian party or organization' prescribed by category 2, and consequently there is no alternative to regarding present and former members of such parties or organizations as excludable from admission to the United States in accordance with section 22 of the act.

"However, in order to enforce the law and at the same time alleviate undue hardship, the Attorney General has exercised his discretionary authority under the ninth proviso of section 3 of the Immigration Act of February 5, 1917 (8 U. S. C. 136 (q)), to grant temporary admission to aliens in category 2 where the only ground of exclusion is the alien's normal membership, whether present or past, in either the Nazi, Fascist, Falangist, or other totalitarian party or organization, and it appears that the alien has a good and legitimate reason which would justify such temporary admission.

"By 'nominal' membership, whether present or former, in the Nazi, Fascist, Falangist, or other totalitarian party or organization, is meant mere membership during infancy under 16 years of age, or for purposes of obtaining employment, food ration cards, general education, or through military service, or similar circumstances, and the alien has not actively engaged in advocating totalitarianism or voluntarily taken part in any atrocities committed by such totalitarian party or organization."

This Department has no doubt that the statute must be considered as authorizing the exclusion of aliens who were members of, or affiliated with, the proscribed parties and organizations described in the act, even though such membership or affiliation was not evidenced by activities on behalf of such parties or organizations. The Department is also of the view that there is no objection to granting ninth proviso admission in the cases of "nominal" members, but in considering the minimum elements which must be present to constitute even nominal membership there are certain considerations on which the Department would like to have an expression of your views.

The Department concurs in the view that an alien who may have voluntarily taken part in any atrocities committed by a totalitarian party or organization is to be considered to be more than a "nominal" member of an excluded class. Conversely, however, if an act done involuntarily in connection with the commission of an atrocity is to be used as a basis for excusing the perpetrator from that degree of culpability which the statute requires to exclude upon a basis of more than "nominal" membership in, or affiliation with, a proscribed party or organization, why could not the involuntary act of becoming a member of a proscribed party or organization be likewise considered as vitiating the effects of the action? The principle involved seems to be the same in each instance, and the distinction in favor of a person involuntarily participating in the commission of an atrocity, but against a person who involuntarily became a member of a proscribed party or organization, is not clearly understood.

This Department has applied the well-established rules relating to the recognition of duress as a proper means of ameliorating the harsh and unreasonable application of the strict letter of other statutes. Section 401 (c) of the Nationality Act of 1940 provides that a citizen of the United States shall lose his nationality by "entering or serving in, the armed forces of a foreign state unless expressly authorized by the laws of the United States, if he has or acquires the nationality of such foreign state." However, it has been held administratively and by the courts that nationality is not lost under that statute when the military service was involuntary. (*In re Asgal* (75 F. Supp. 268 (1947)); *Dos Reis ex rel. Camara v. Nicolls* (161 F. 2d 500 (1947)).

In the case of *Inouye v. Clark* (73 F. Supp. 1000 (1948)), the court held that where the parents of a 17-year-old son were deportable as Japanese aliens, the son's renunciation of American citizenship, under parental pressure and because of his desire to accompany his parents, was voidable as having been made under duress, coercion, or undue influence.

In the case of *United States v. Reiner* (79 F. (2d) 315, 317 (1935)) the Circuit Court of Appeals, Second Circuit, reviewed the denial of a petition for a writ of habeas corpus which challenged the detention of an alien under an order of deportation based upon his membership in, or affiliation with, the Communist Party under the act of October 16, 1918, as amended, but prior to the amendment contained in section 22 of the Internal Security Act of 1950. The court said:

"In deciding this case, we shall not attempt to give a comprehensive definition of the word 'affiliation' as used in the statute. Very likely that is as impossible as it is now unnecessary. It is enough for present purposes to hold that it is not proved unless the alien is shown to have so conducted himself that he has brought about a status of mutual recognition that he may be relied on to cooperate with the Communist Party

on a fairly permanent basis. He must be more than merely in sympathy with its aims or even willing to aid it in a casual intermittent way. Affiliation includes an element of dependability upon which the organization can rely which, though not equivalent to membership duty, does rest upon a course of conduct that could not be abruptly ended without giving at least reasonable cause for the charge of a breach of good faith."

In *Colyer v. Sheffington* (Fed. 17, 72 (D. C. Mass. 1920)) the court, in considering petitions for writs of habeas corpus of aliens held under warrants of arrest for deportation, made the following statement with respect to membership in an organization that advocates the overthrow of the Government of the United States by force or violence proscribed by the act of October 16, 1918:

"Assuming for the purposes of the present point that the Secretary's construction and application of the act to the Communist Party may be held to be correct, I accord with what I understand now to be the view of the Department of Labor, that such membership must be a real membership in or an actual affiliation with the proscribed organization. I do not think that Congress meant to authorize the expulsion of aliens who pass from one organization into another, supposing the change to be a mere change of name, and that by assenting to membership in the new organization they had not really changed their affiliations or political or economic activities. For illustration: When, at meetings of a local of the Socialist Party, notice was given that the local had been expelled or had seceded from the Socialist Party and would thereafter take the name 'Communist', and that signatures for membership in the new organization were requisite, nothing more appearing, I could not hold that such new membership, thus created, brings the new members within the purview of the act of Congress. Congress could not have intended to authorize the wholesale deportation of aliens who, accidentally, artificially, or unconsciously in appearance only, are found to be members of or affiliated with an organization of whose platform and purposes they have no real knowledge."

In the case of *Bridges v. Wixon* (326 U. S. 135 (1945)) the Supreme Court of the United States reviewed the denial of a petition for a writ of habeas corpus challenging the detention of an alien under an order of deportation under the act of October 16, 1918, as amended, but prior to the amendment contained in section 22 of the Internal Security Act of 1950, on the ground that the alien was a member of, or affiliated with, the Communist Party of the United States. In its opinion, the Supreme Court stated:

"The legislative history throws little light on the meaning of 'affiliation' as used in the statute. It imports, however, less than membership but more than sympathy. By the terms of the statute it includes those who contribute money or anything of value to an organization which believes in, advises, advocates, or teaches the overthrow of our Government by force and violence. That example throws light on the meaning of the term 'affiliation.' He who renders financial assistance to any organization may generally be said to approve of its objectives or aims. . . . Whether intermittent or repeated, the act or acts tending to prove 'affiliation' must be of that quality which indicates an adherence to or a furtherance of the purposes or objectives of the proscribed organization as distinguished from mere cooperation with it in lawful activities. The act or acts must evidence a working alliance to bring the program to fruition."

If the rulings mentioned above are deemed to be relevant, and the term "affiliation"

as used in previous statutes means something less than "membership" in, but more than sympathy with the aims of, an organization, and if the term "affiliation" as used in the statute in question can be given the same meaning, it would seem to be clear that not all infants under 16 years of age may be said to be even "nominal" members of, or affiliated with, one of the proscribed parties or organizations mentioned in the statute in question. Similarly, it would appear that an alien who was under compulsion, coercion, duress, or force majeure, when involuntarily impressed into a party or organization, or who was inducted without his proper knowledge, particularly into a party or organization with which he has had no ideological affinity and in behalf of which he has not rendered active ideological support, even if he could be considered to be only a "nominal" member of the organization, could also be considered as not being the kind of member which the Congress intended to exclude from the United States under the statute in question, particularly in the absence of evidence of such a specific intent.

It is believed that it would be possible to hold that the statute was not designed or intended to exclude aliens who found themselves under various kinds of coercive pressure to join a proscribed party or organization. The emphasis in the statute is upon security, coupled with the lack of faith in the reformation, conversion, or defection of aliens who, once classifiable as undesirable, may not be trusted to maintain their professed opposition to what they previously had stood for, and therefore would constitute a security risk if permitted to come to the United States. In the case of a person who was not a voluntary member or affiliate of a proscribed organization, and who never believed in what it stood for, but who was made an involuntary member or an affiliate of the organization under some form of duress, there may have been no security risk in the first place and, particularly when the forced membership or affiliation has ended, the reason for exclusion because of such former connection with a proscribed organization becomes obscure and questionable. Instead of such "membership" or "affiliation" being held to be "nominal," and to work exclusion in the absence of ninth proviso action, it is believed that it would be quite permissible and appropriate and wholly desirable, under the statute, to hold that aliens in such cases were not actually members of, or affiliated with, the proscribed organization, either nominally or otherwise, within the meaning of the statute. No ninth proviso action would therefore be required in such cases.

If such a construction of the statute should be considered appropriate, it would mean that aliens as much under 16 years of age as from birth to the age of reason would not be excludable from the United States because of having been inducted into the Hitler Youth, or other similar organizations; that aliens who, unwittingly and without their knowledge or consent, were impressed into the labor front are not excludable; and that the rank and file of non-Nazi and non-Fascist members of a proscribed party or organization, never having become connected with a proscribed party or organization through the exercise of their own free will, would not be excludable from the United States under the statute.

It would be appreciated if you could review the questions hereinbefore presented and advise the Department of your opinion and conclusions.

Sincerely yours,

CARLISLE H. HUMELSINE,
Deputy Under Secretary.

DECEMBER 6, 1950.

MY DEAR MR. ATTORNEY GENERAL: The Department refers again to your letter of Oc-

tober 20, 1950, concerning the Internal Security Act of 1950 and invites the attention of the Department of Justice to the provisions of section 22, subdivision 2 (C) (v), of the act which authorize the exclusion of aliens "who, at any time, shall be or shall have been members of * * * any section, subsidiary, branch, affiliate, or subdivision" of the Communist Party or other totalitarian party.

In considering the question of what the Congress intended by the words "any section, subsidiary, branch, affiliate, or subdivision" of the parties concerned, the Department has come to the conclusion that all organizations created by the Nazi or Fascist Parties of Germany and Italy for political propaganda, or subversive purposes may fall within the intent of the statute. However, organizations which existed long before the Hitler or Mussolini regimes, and particularly those which have also survived those regimes, such as the medical association, engineers society, or other business or professional organizations and clubs, are not comprehended within the intent of the statute.

If the conclusion above stated is the proper one it would mean that an alien who was a voluntary member of such organization or club would not be excludable because of such membership. On the other hand, an alien who voluntarily joined the Nazi or Fascist Parties, or any organization created by those parties for political, propaganda, or subversive purposes, would be held to be excludable under the statute, as such a person would appear to be classifiable within an ideological category which Congress intended to be excluded.

It would be appreciated if the Department of Justice would advise this Department of its opinion and conclusion on the question hereinbefore presented.

Sincerely yours,

CARLISLE H. HUMELSINE,
Deputy Under Secretary.

NOVEMBER 17, 1950.

HON. J. HOWARD McGRATH,
The Attorney General, Department of
Justice, Washington, D. C.

MY DEAR MR. ATTORNEY GENERAL: During recent weeks the attention of this subcommittee has been directed to the increasing number of cases in which nonimmigrant and immigrant visas have been withheld, or admission into this country denied to aliens on the basis of certain rulings issued by the Department of Justice pursuant to the Internal Security Act of 1950.

In the majority of the cases brought to our attention—many of which involve spouses of servicemen—the reason most frequently given for the denial of admission appears to be the applicant's past membership or affiliation with organizations such as Hitler Youth (HJ), Fascist Youth (Ballila), German Girls' Union (BDM), German Labor Front (AF), certain trade and professional unions and organizations, or his service in the German or Italian Armies.

It is believed that this situation, creating undue personal hardship and greatly damaging our international relations, requires urgent rectification. It is further believed that it has been caused by misinterpretation of the Internal Security Act of 1950.

I am familiar with the contents of your letter to the Secretary of State, dated October 20, 1950, but it is not believed that the policy therein outlined, would provide the desired remedy. Moreover, the policy of admitting temporarily under the ninth proviso certain immigrants who apply for permanent admission, does not appear to have been authorized by the new law.

In order to assist you in the promulgation of regulations designed to correct the interpretation which is obviously erroneous and detrimental to the national interest, the fol-

lowing is respectfully submitted for your consideration:

1. In providing for a better protection of our internal security and in making a determined but carefully weighed effort to eliminate from our body politic the subversive elements, both presently and potentially dangerous and undesirable, the Congress has diligently tried to write the new law so as to preclude unfairness, exaggeration, or abuse in its enforcement.

2. The large group of us lawyers, entrusted with the drafting of this legislation, was fully familiar with the considerable volume of judicial and administrative interpretations of the existing immigration and naturalization laws, as they have accumulated—unchallenged—through the years.

3. With these binding interpretations in our minds, we have carefully and studiously avoided including into the new statute any language which would nullify the existing jurisprudence and open the doors to new interpretations.

4. Comparison of the pertinent language of the old and the new statutes will, I hope, prove my point:

(a) The act of October 16, 1918, as amended by the act of June 28, 1940, reads in part as follows:

"That any alien who, at any time shall be or shall have been a member of any one of the following classes shall be excluded from admission into the United States:

"(c) Aliens who believe in, advise, advocate, or teach, or who are members of or affiliated with any organization, association, society, or group that believes in, advises, advocates, or teaches * * * etc.

(b) Section 22 of the act of September 23, 1950 (Internal Security Act of 1950), in amending the foregoing act of 1918, incorporates the subsection (c) above and adds, among other provisions, the following:

"Aliens who are members of or affiliated with * * * (list of proscribed organizations follows).

This pertinent language, identical in both statutes, reads: "members of or affiliated with." As stressed above, the preservation of this language—tested as it is in courtrooms and in administrative rulings—was intentional.

5. The unchallenged interpretations referred to above, pertain both to the definition of "membership" and of "affiliation." To cite only a few of them:

In *Colver v. Skeffington* (Fed. 17, 72 (D. C. Mass. 1920)) the Court, in considering petitions for writs of habeas corpus of aliens held under warrants of arrest for deportation, made the following statement with respect to membership in an organization that advocates the overthrow of the Government of the United States by force or violence proscribed by the act of October 16, 1918:

"I accord with what I understand now to be the view of the Department of Labor, that such membership must be a real membership in or an actual affiliation with the proscribed organization * * *. Congress could not have intended to authorize the wholesale deportation of aliens who, accidentally, artificially, or unconsciously in appearance only, are found to be members of or affiliated with an organization of whose platform and purpose they have no real knowledge."

In *Bridges v. Wixon* (326 U. S. 135 (1945)), the Supreme Court of the United States said:

"The legislative history throws little light on the meaning of 'affiliation' as used in the statute. It imports, however, less than membership but more than sympathy. * * * But he who cooperates with such an organization only in its wholly lawful activities cannot by that fact be said as a matter of law to be 'affiliated' with it. Nor is it conclusive that the cooperation was more than intermittent and showed a rather consistent course of conduct. * * * Whether intermittent or repeated, the act or acts tend-

ing to prove 'affiliation' must be of that quality which indicates an adherence to or a furtherance of the purposes or objectives of the proscribed organization as distinguished from mere cooperation with it in lawful activities. The act or acts must evidence a working alliance to bring the program to fruition. * * *

But close cooperation is not sufficient to establish an 'affiliation' within the meaning of the statute. It must evidence a working alliance to bring the proscribed program to fruition."

I wish also to refer to the decision rendered in *United States v. Reiner* (79 F. (2d) 315, 317 (C. C. A. (2d), 1935) and to the following, as it appears in the Immigration Manual of the Immigration and Naturalization Service, Department of Justice:

"'Affiliation' is a working alliance to bring to fruition the proscribed program of an organization, as distinguished from mere cooperation with the organization in its lawful activities or in the attainment of its wholly lawful objectives. The word imports less than membership but more than sympathy, and includes an element of dependability upon which the organization can rely that, though not equivalent to membership duty, rests upon a course of conduct that could not be abruptly ended without giving at least reasonable cause for the charge of a breach of good faith.

"The act or acts tending to prove affiliation must be of that quality that indicates an adherence to or a furtherance of the purposes or objectives of the proscribed organization as distinguished from mere cooperation with it in wholly lawful activities."

There is also available a convincing outline of the Department of State's policy—concurring in by the Department of Justice—regarding the membership in the Nazi or Fascist Party or service in the German or Italian Armies, as presented in an address delivered on February 26, 1949, by Mr. Herve J. L'Heureux, Chief, Visa Division, Department of State.

Further, there is a ruling of the Department of State regarding the membership in the People's Front of Yugoslavia which was induced for the purpose of obtaining food rations, job, or housing permits, etc. Although I am not ready to express my personal approval of the ruling regarding this particular organization which has declared itself to be a part of the Communist Party of Yugoslavia, I nevertheless see in this decision an attempt at a differentiation between real Communists and those who might have joined a proscribed organization under duress.

6. In the consideration of cases in which membership of or affiliation with proscribed organizations occurred during the alien's childhood or his early youth, the following Court decision discussing the validity of legal acts exercised by minors, deserves attention:

In the case of *Inouye v. Clark* (73 F. Supp. 1000 (1948)) the Court held that where the parents of a 17-year-old citizen were subject to deportation as Japanese aliens, the boy's renunciation of American citizenship under parental pressure and because of his desire to go with his parents was voidable as having been made under duress, coercion, and undue influence. The Court stated:

"Freedom of will is essential in the exercise of an act which is urged to be binding, and the right of citizenship being an important civil one can only be waived as the result of free and intelligent choice. The mere fact that some of the plaintiffs having stated that they knew the results of their renunciations does not remove the primary force and effect of duress, coercion, and undue influence that caused them to renounce.

"For the reason thus stated, the results of the plaintiffs' renunciations having been made under undue influence, duress, and coercion and not of their free will and act,

and the further thought as to the plaintiff, Albert Yuichi Inouye, not being competent of legal age at the time he made his application for renunciation, who also acted under undue influence, duress, and coercion, their renunciations are declared to be null and void and canceled and they are restored to their rights of citizenship."

It certainly appears that these wise considerations are equally applicable in cases where the child's education and welfare, indeed its very subsistence, was made by the totalitarian regimes of Germany and Italy dependent on its membership in the various youth groups and organizations.

7. Similarly, membership of adult persons who had to join the proscribed organizations for the purpose of obtaining or preserving their employment, food ration cards, general education, etc., clearly falls within the purview of the term "duress" as defined and interpreted in numerous judicial and administrative decisions only perfunctorily mentioned in this letter, but certainly available to you, as they were available to us during our work on the Internal Security Act of 1950.

Mr. Attorney General, let me briefly recapitulate what is in our minds. It was, and it invariably remains, our intention to bar from admission and to eliminate from our midst the Communist subversive element, the active advocates of a totalitarian form of government. We want to exclude the alien who comes to our shores or remains in our country in order to attempt to overthrow our form of government by subversion, by deceit, by force, and by violence, and to replace it by a dictatorial rule controlled from abroad. Similarly, we want to close our doors to those who as Nazis or Fascists actively, knowingly, and willingly helped in the perpetration of the most appalling crimes ever recorded in human history, and who—if permitted to live among us—would undoubtedly spread the totalitarian poison of hatred and intolerance.

We have made it, however, abundantly clear in the carefully chosen and clear language of the Internal Security Act of 1950, that we do not want to exclude immigrants or visitors who as children had to wear fancy shirts of various colors, or who as adults, under threat of imprisonment, of starvation or of violent death, reluctantly joined the auxiliaries of the Nazis or Fascist parties.

Hoping that these thoughts could be speedily conveyed to the personnel charged with the administration of the new law I remain,

Sincerely yours,

FRANCIS E. WALTER,
Chairman.

COMPENSATION FROM DUAL EMPLOYMENTS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2351) to simplify and consolidate the laws relating to the receipt of compensation from dual employments under the United States, and for other purposes, which were, on page 2, strike out lines 14 to 25, inclusive, and on page 3, strike out lines 1 to 15, inclusive, and insert:

SEC. 3. As used in this act, the term "compensation from any office or position" shall include—

(1) any basic salary, wages, or other emolument, including permanent additions such as statutory pay increases, but excluding any temporary additions such as overtime pay or night differential, for or on account of service as a civilian officer or employee of the United States, or any department or agency thereof, including Government-owned or controlled corporations, or of the government of the District of Columbia; and

(2) retired pay on account of services as a commissioned officer in any of the services subject to the Career Compensation Act of 1949 (U. S. C., title 37, secs. 231 and the following);

but shall not include—

(A) retired pay of enlisted men, warrant officers, and flight officers in any such service retired for any cause;

(B) retired pay of Regular, Reserve, or temporary commissioned officers retired for disability incurred in combat with an enemy of the United States or for disability resulting from an explosion of an instrumentality of war in line of duty during an enlistment or employment specified in Veterans Regulation No. 1 (a), part I, paragraph I;

(C) retired pay of any commissioned officer, warrant officer, flight officer, or enlisted person retired under title III of the act of June 29, 1948 (Public Law 810, 80th Cong.), as amended.

(D) compensation of teachers, school officers, and custodial employees of the Board of Education of the District of Columbia for services rendered in connection with the operation of night or vacation schools in the public schools of the District of Columbia; or

(E) the compensation of any employee of the United States or any department or agency thereof, including Government-owned or controlled corporations, or of the government of the District of Columbia for services rendered in connection with activities of the District Recreation Board under the provisions of the act of April 29, 1942 (56 Stat. 261; D. C. Code; 1940 ed., Supp. VII, title 8, ch. 2).

On page 3, strike out lines 16 to 20, inclusive.

On page 3, after line 20, insert:

SEC. 4. When in the judgment of the Postmaster General the needs and interests of the postal service so require, he may employ any employee in the postal field service in a dual capacity or he may temporarily assign any employee in the postal field service to duty in any position in the postal field service; and, notwithstanding the first section of this act, any employee so employed or assigned shall be paid compensation at the rate provided by law for such services.

SEC. 5. The first section of this act shall not apply to custodial employees of the Board of Education of the District of Columbia when such employees are performing work required of them in school buildings during the time these buildings are used for non-recreational official purposes by any Federal department or agency or any department of the government of the District of Columbia other than the Board of Education, in accordance with the rules of the Board of Education governing the use of school buildings and grounds, including their use for day or evening schools; and nothing therein contained shall be deemed to prevent any custodial employee from receiving in addition to his pay, salary, or compensation as an employee of the Board of Education of the District of Columbia any other pay, salary, or compensation at a rate not in excess of the rate of pay received as an employee of the Board of Education, for services which may be rendered to any Federal department or agency or any department of the government of the District of Columbia other than the Board of Education, during its use of school buildings under the jurisdiction of the Board of Education of the District of Columbia.

On page 3, line 21, strike out "Sec. 5." and insert "Sec. 6."

On page 3, line 24, strike out "acts and parts of acts" and insert "laws and parts of laws."

On page 4, line 1, strike out "205," and insert "205."

On page 4, lines 1 and 2, strike out "1924, 43 Stat. 245)," and insert "1924 (43 Stat. 245)."

On page 4, line 2, strike out "(549):" and insert "(549)."

On page 5, line 9, strike out "25," and insert "5."

On page 5, line 15, strike out "to paragraph" and insert "in the paragraph under the."

On page 5, strike out lines 19 to 22, inclusive.

On page 5, line 23, strike out "(13)" and insert "(12)."

On page 6, line 4, strike out "Supp. V."

On page 6, strike out lines 5 to 7, inclusive, and insert:

(13) Act of January 22, 1932, section 3, fifth sentence, as in effect on June 30, 1947 (47 Stat. 6), relative to employees of the Reconstruction Finance Corporation.

On page 6, line 8, strike out "(15)" and insert "(14)."

On page 6, strike out lines 11 to 21, inclusive, and insert:

(15) The first proviso in the paragraph under the heading "Pay of the Army" in title III of the Defense Appropriation Act, 1951, the first proviso in the paragraph with the side heading "Pay of the Army" in title III of the National Military Establishment Appropriation Act, 1950, and similar provisions in prior appropriation acts providing pay for the Army, relative to retired military personnel on duty at the United States Soldiers' Home (U. S. C., title 5, sec. 59b).

On page 6, line 22, strike out "(17)" and insert "(16)."

On page 6, strike out line 25, and lines 1 to 3 on page 7.

On page 7, line 4, strike out "(c)" and insert "(b)."

On page 7, line 9, strike out "12," and insert "21."

On page 7, line 15, strike out "Supp. V, secs. 61a, 61a-1, a-f" and insert "secs. 61a and 61a-1."

On page 7, line 17, strike out "third" and insert "second."

On page 7, line 17, strike out "(52 Stat. 1176)."

On page 7, line 19, strike out "that" and insert "such."

On page 7, line 21, after "(3)" insert "The proviso in the fourth paragraph under the subheading 'Ordnance Stores and Equipment for Reserve Officers' Training Corps' of the act of May 12, 1917, added to such paragraph by."

On page 7, line 25, after "Corps", insert "(U. S. C., title 10, sec. 371b)."

On page 8, line 1, after "(4)", insert "That portion of section 80 of the act of June 3, 1916, added to such section by."

On page 8, line 4, after "Guard", insert "(U. S. C., title 32, sec. 75)."

On page 8, after line 4, insert:

(5) Those portions of the Federal Farm Loan Act, as amended (U. S. C., title 12, secs. 676 and 1022), the Farm Credit Act of 1933, as amended (U. S. C., title 12, secs. 1131 and 1134), and the Farm Credit Act of 1937, as amended (U. S. C., title 12, sec. 6401), relative to the employment of officers and employees and joint officers and employees by the organizations named therein, or otherwise be deemed to restrict participation by corporations under the supervision of the Farm Credit Administration in the payment of the salary of an officer or employee serving more than one such corporation.

SEC. 7. Section 6 of the act of March 3, 1925 (U. S. C., title 2, sec. 162), is amended to read as follows:

"SEC. 6. Employees of the Library of Congress who perform special functions for the performance of which funds have been entrusted to the board or the Librarian, or in connection with cooperative undertakings in which the Library of Congress is engaged, shall not be subject to section 1914 of title 18 of the United States Code."

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent that the Senate disagree to the amendments of the House, ask a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Carolina? Without objection, it is so ordered.

The VICE PRESIDENT appointed Mr. JOHNSTON of South Carolina, Mr. LONG, and Mr. LANGER conferees on the part of the Senate.

RESUMPTION OF SESSIONS IN SENATE CHAMBER

Mr. LUCAS. Mr. President, I submit a resolution, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The resolution (S. Res. 381) was read as follows:

Resolved, That Senate Resolution 326, providing for sessions of the Senate in the old Supreme Court room, agreed to August 9, 1950, be, and the same is hereby, rescinded, and that the Senate, at the beginning of the Eighty-second Congress, resume its sessions in the Senate Chamber.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 381) was considered and agreed to.

AUTHORITY TO RECEIVE MESSAGES FROM HOUSE AFTER ADJOURNMENT

On motion of Mr. LUCAS, and by unanimous consent, it was

Ordered, That notwithstanding the adjournment of the present session of the Congress, the Secretary be, and he is hereby, authorized to receive during the remainder of the Eighty-first Congress, messages from the House of Representatives.

TRIBUTES TO RETIRING SENATORS

Mr. McFARLAND. Mr. President, I desire to take this opportunity, on the closing day of the Eighty-first Congress, to say a brief word with respect to those of our colleagues whose service in this body ends today.

SCOTT W. LUCAS, OF ILLINOIS

On a prior occasion, I joined with other Members of this body in felicitating our retiring majority leader, the distinguished senior Senator from Illinois, SCOTT W. LUCAS. I doubt that I can add to the encomiums made then. It seems to me, however, that our friend from Illinois should know the warm place he holds in each of our hearts. His has been a difficult, thankless, and at times

an almost impossible task. He has performed his duty with zeal, ability, and a fine sense of public duty. The responsibility which his colleagues laid upon him was always uppermost in his mind. I believe that I am bespeaking the regard and affection of every Member of the Senate, on both sides of the aisle, when I wish him well in whatever endeavors he undertakes in the future. He has our sincere personal regards and good wishes for good health and prosperity in the years ahead.

FRANCIS J. MYERS, OF PENNSYLVANIA

Holding no less a place in our esteem is the retiring majority whip, Senator FRANCIS J. MYERS, of Pennsylvania. It was my great good fortune to have the privilege of serving on the same committee with the distinguished Senator from the Keystone State throughout his term in the United States Senate, and I believe I am expressing the viewpoint of every one of his colleagues on that committee when I say that no Senator has been more zealous in his duties, more alert and responsive to the problems before us, more conscientious in his attention to business, and more considerate and pleasant to work with than has Senator MYERS. Perhaps some measure of his ability and the high regard in which he is held by Democrats and Republicans alike is evidenced by the assertions I have heard made on numerous occasions that it is unfortunate that Senator MYERS does not come from a border or Southern State, where his tenure in office might be more reasonably assured, since he and his abilities are an adornment to the Senate and of great value to the public interest. The Senator from Pennsylvania, fortunately, is a young man, and I am sure that the people of the Commonwealth of Pennsylvania will again call on his great ability and devoted service. In the meantime, in this holiday season, I extend to him and his family cordial good wishes for their happiness and prosperity.

MILLARD E. TYDINGS, OF MARYLAND

It is with regret that I note the departure of the distinguished senior Senator from Maryland [Mr. TYDINGS]. His length of service has made him one of the truly great and experienced legislators of our time. He has distinguished himself by his fine mind, his great capability for work, and his wise counsel in difficult times of stress. He has brought honor and respect not alone to himself but to the citizens of the great Free State of Maryland, whom he has represented so ably and devotedly in this body for nearly a quarter of a century. That his abilities and experience will be sadly missed goes without saying. He has, I am sure, our best wishes for the future and our hope that we may see him frequently and call on his store of experience to help us over some of the hurdles we will have to surmount in the troubled times ahead.

ELMER THOMAS, OF OKLAHOMA

It is with a sharp feeling of personal sorrow that I allude to the departure of the distinguished senior Senator from Oklahoma [Mr. THOMAS]. As one who

was born and raised in Oklahoma Territory, I have maintained a sort of proprietary interest in the problems and representation of the Sooner State and I have no hesitation in saying that ELMER THOMAS has been a great and devoted servant of his people and State. He, too, had long service in this body, and, out of the fullness of that experience, his wisdom and counsel were helpful to many of us. His service in behalf of agriculture particularly, will not soon be forgotten by those who fill the granaries of the country. I transmit to him our friendly regard and sincere affection and wish him well.

ELBERT D. THOMAS, OF UTAH

The intellectual attainments and scholarly devotion to his duties of the able senior Senator from Utah [Mr. THOMAS] are well known to all of us. He has given valuable service as a member and chairman of the important Committee on Labor and Public Welfare and the men and women of labor are losing a fast friend and warm supporter of their ideals and objectives. Moreover, his knowledge and study of international relations made him an equally valuable member of the Committee on Foreign Relations where his counsel also will be sorely missed. I feel sure that the ability and experience of the senior Senator from Utah will be taken advantage of by our Government as he leaves this body with our good wishes and warm regards.

TRIBUTE TO OTHER RETIRING SENATORS

In addition to these five eminent Senators, the majority loses the services, the ability, and the friendly companionship of six other Members of this body to whose character and attainments I have previously alluded. I have specific reference to the able Senator from Florida [Mr. PEPPER], whose felicity of public expression was never more ably demonstrated than last week; to the gifted Senator from North Carolina, Mr. Graham, whose friendliness and charm has endeared him to all of us; to the forceful Senator from California, Mr. Downey, with whom I have personally differed on some irrigation and reclamation matters but whose forensic ability I most humbly respect; to the gracious Senator from Kentucky [Mr. WITHERS], whose stay with us has been all too brief; to the respected Senator from Rhode Island [Mr. LEAHY], whose quietness and humility has not cloaked his legal ability and who we all know will make an able jurist; and to the able and gifted Senator from Idaho [Mr. TAYLOR], who has convinced all of us of his complete sincerity of purpose and ideals. To all of these gentlemen I wish health and happiness in the years ahead.

I would be derelict to my conscience and less than frank if I did not at this time pay my sincere respects to my colleagues on the other side of the aisle who are about to leave us. It has been my experience that, in the main, issues here are not determined on narrow partisan political lines, but rather on the basis of conception of principles. No three Senators on either side of the aisle more nearly typify and exemplify that nonpartisan approach than do the Senator from South Dakota [Mr. GURNEY],

the Senator from Missouri [Mr. DONNELL], and the Senator from Kansas, Mr. Darby.

There is little I can add to what already has been said on this floor about the Senator from South Dakota [Mr. GURNEY]. He has been an able and conscientious legislator and enjoys the respect and confidence not alone of his colleagues but of the officials in the executive arm of the Government with whom he has worked. The Senator from Missouri [Mr. DONNELL] has proved beyond any question his right to be regarded as one of the hardest working, fairest and most judicially minded, sincere and able legislators on either side of this aisle. In my judgment he has never sought to take partisan advantage but rather to fulfill his post strictly according to the letter of the law and his oath; his record is a monument to fair-mindedness and tolerance. Mr. DARBY, who until recently was the junior Senator from Kansas was with us only a few months, but in that short space of time he endeared himself to all of us with his friendliness, courtesy, and genuine good fellowship. All of us will miss him and we hope and expect that he will sometime adorn this Chamber again. Therefore, to all three of these friends, and they are our friends and respected colleagues, I extend my sincere good wishes for their health and happiness in the days ahead.

TRIBUTE TO SENATOR GURNEY AND SENATOR DONNELL

Mr. TAFT. Mr. President, on this last day of the Eighty-first Congress, I wish to express my great friendship, appreciation, and admiration for two of my fellow Senators who are leaving the Senate and with whom I have served for a long time, the Senator from South Dakota [Mr. GURNEY] and the Senator from Missouri [Mr. DONNELL].

The Senator from South Dakota and I came to the Senate on the same day, and we were sworn in on the same day. We have served together continuously for 12 years. During that time we have had the most pleasant personal associations. Senator GURNEY was elected to the Senate from South Dakota, where he was born. He is a veteran of the First World War. He has made himself an authority on military affairs, and his opinion on that subject commands universal respect throughout the Nation. I have had many personal associations with him. I remember that during the first session in which we served he introduced a bill, which I supported, to require the introduction of a certain amount of alcohol into gasoline in order to provide a better market for farm products. From that time there have been many matters in which we have been associated. He has served not only as a member of the Committee on Military Affairs, but also as a valuable and industrious member of the Committee on Appropriations. He has been conscientious, he is an able man, and he has always been most courteous and most judicial in his judgments. His judgments have always been on the progressive side and in behalf of the progressive improvement of American conditions. I shall

greatly miss him as a friend and colleague in the next Congress.

The Senator from Missouri [Mr. DONNELL] was elected 6 years ago, and I have served with him during that time, in some ways more intimately, because we have served together on the Committee on Labor and Public Welfare. Certainly his work on that committee has been outstanding. I think it would be very difficult to find a Senator who has done better work or who could be relied on more for serious, intelligent, and impartial consideration of every measure that has come before the committee and the Senate.

The Senator from Missouri [Mr. DONNELL] has approached every problem without prejudice. He has approached it with an open mind. He has studied every problem that has come before the Senate, and he has specialized on questions of labor, and particularly on questions with respect to public health. He has held long sessions as the only member of the committee present, when I was most apologetic because I was not able to be there and he has spent much time in studying the whole subject of national health insurance and many other health subjects. I feel very confident that it will be difficult indeed to find any Senator who has contributed more to the actual legislative work of this Congress, a Senator who has been more able, or has done more work. He has always been a good friend of all other Senators, he has commanded their respect, and he has certainly well represented for 6 years the interests of the people of Missouri as he has seen those interests. In my judgment he has seen them right in practically every instance that I know of. I shall always regard him as a dear friend.

FORREST C. DONNELL, OF MISSOURI

Mr. MURRAY. Mr. President, I should like to associate myself with the remarks just made by the distinguished Senator from Ohio [Mr. TAFT] concerning our colleague, the Senator from Missouri [Mr. DONNELL], who is about to leave us.

During the past 6 years I have had very close associations with the Senator from Missouri. Our relations have always been of the most cordial kind. I consider him one of the ablest Members of this body with whom I have ever had any contact. He has been a great help to our committee. While we have differed on many of the problems which have come before the committee, he has been a man of honor, a man of great ability, and has contributed much to the activities of the Committee on Labor and Public Welfare.

I have discussed with other members of the committee his contribution. I think there is not a member of that committee who has not the highest respect for the distinguished Senator from Missouri. The committee has authorized me to present the following tribute to FORREST C. DONNELL, which has been agreed to by all members of the committee on both sides:

A TRIBUTE TO FORREST C. DONNELL

We, the members of the Senate Committee on Labor and Public Welfare, desire to, and

do hereby, express our high respect and admiration for our distinguished colleague, FORREST C. DONNELL.

Our committee in its deliberations during the past 6 years has been most fortunate in having the advice and assistance of an able legislative technician and constitutional lawyer, in the person of our highly respected colleague. His honesty, sincerity, and untiring determination to uphold those principles which he believed to be right have left their imprint on all legislative matters considered by our committee. In all his activities as a legislator he has shown himself to be a man of sterling character and unusual ability—a man who recognizes public office as a public trust. His diligent pursuit of the truth and his untiring industry have guaranteed that our committee, in all its deliberations, acted with complete knowledge of the facts and the law.

His pleasing and unaffected personality, and his devotion to high principles, have made him our highly respected friend and colleague. The eminent fairness of his attitude in all our deliberations has everlastingly endeared him to all of us and we extend to him our cordial good wishes for success and happiness in all his future life.

[Applause.]

REPLY BY SENATOR DONNELL

Mr. DONNELL. Mr. President, I would indeed be insensible of the honor which has been shown me by the very eloquent remarks of the Senator from Arizona, the Senator from Ohio, and the Senator from Montana did I not say at least a word in response.

In responding to these remarks, I do so likewise with respect to certain other very generous and kind observations which were made several days ago by other colleagues upon the floor of the Senate, including my own distinguished colleague from Missouri [Mr. KEM].

I shall trespass only a moment upon the time of the Senate. First I desire to spread upon the records of the Senate my appreciation of the privilege which the people of my native State have given to me in permitting me to serve in this great body. I wish also to express my realization of the great privilege it is to be a Member of the United States Senate, and the education it affords to any man who undertakes to do his duty fearlessly and honestly in this body. I express to Members of the Senate my hearty thanks and appreciation for all the many courtesies which have been extended to me. I should like also to include in that observation the distinguished Presiding Officer, the Vice President of the United States.

It will always be a great pleasure to me to recall my associations in this body. I am deeply indebted to all Senators. I am deeply indebted to the people of my State.

For all Senators, as individuals, and for this great body, confronted as it is today with all the problems to which reference has been made from time to time, I wish the guidance of God Himself in carrying out the responsibilities which confront us. [Applause.]

SCOTT W. LUCAS, OF ILLINOIS

Mr. McKELLAR. Mr. President, one of the few sad experiences connected with service in the Senate of the United States is the departure of beloved associates. It is peculiarly hard when a de-

parting associate is a close personal friend; when he is a real leader; when he is an able, just, and attractive leader; when he has a fine personality, winning ways, great ability and a friendly temper, and a marvelous power to lead. Such a man is SCOTT LUCAS, of Illinois, who by an accident of politics lost out in the November election, and who will not be with us in the next Congress.

In the nearly 34 years that I have been a Member of the Senate we have never had a better leader. I did not know him well before he became our leader. But for the past 2 years Senator LUCAS and I have sat next to each other on the floor of the Senate. I have seen him perform his difficult and arduous duties. I have witnessed his kindly, diplomatic, and friendly methods of dealing with his fellow Senators of his own party, and his use of the same methods in his dealings with the members of the Republican Party; I have seen the skill and ability that he has used in furthering legislation; I have witnessed his continuous and able labors for his own people in Illinois, for his own party, but above all for his Government and for his country and the people of this Nation. I can truthfully say that, while we have had fine leaders in the Senate before, we have never had a better or more hard working or more faithful and successful leader than we have had in SCOTT LUCAS.

As we all know, he was a veteran of the First World War; a founder of the American Legion; a fighter for a strong national defense; and he is in the vanguard of American leaders who have erected a great Federal program to meet the needs of American veterans.

He was born in Illinois near Havana in the very heart of the Lincoln country. He was highly educated and entered into the practice of law when he grew up. He is a fine lawyer as well as a soldier. In 1926 he became commander of the Legion's Illinois Department. Afterward he was unanimously elected as national judge advocate of the Legion and served four terms in this position.

As majority leader of the Senate, Senator LUCAS led the fight to push through all measures to strengthen the military power of America and the free world. Under his leadership bills have been enacted to streamline and unify our Armed Forces, to improve the administration of the Central Intelligence Agency, and to increase the pay scale of our officers and enlisted men. He is one of the most valiant friends the veterans ever had.

In many ways, Senator LUCAS has demonstrated the wisdom and foresight which has made him one of the most valuable Members of the United States Senate. Washington newspaper men and radio commentators rate him as one of the hardest working Senators in recent history.

In times of crisis Senator LUCAS acts swiftly and successfully.

He served in the House of Representatives for two terms, where he made a notable record.

As the top man in the Senate, Senator LUCAS has vigorously advocated our bipartisan foreign policy to defeat

the ruthless forces of communism. Throughout his career he has been a man of action and achievement. He has become known throughout America and the world as a constructive Senator who has the ability to get things done.

From my close association with him, in sitting next to each other in the Senate, I have come to respect, esteem, and admire him very greatly. I take this occasion to say to him that we shall miss him in our labors here and that we wish for him in the coming years every prosperity and success.

Mr. President, other Senators for whom I have the greatest respect, admiration, and esteem, who will not be with us in the next session of Congress, have been eulogized today. I join in the statements that have been made about them by other Senators.

ELMER THOMAS, OF OKLAHOMA

Mr. KERR. Mr. President, as this session of Congress draws to a close, it will usher from this Chamber some of our most beloved and able Members. Regardless of an occasional difference of opinion in this great deliberative body, there is a strong bond of mutual respect and appreciation, and we all feel a certain sadness to see the ranks break for the passing of a familiar face.

For me, it is particularly a time of sober reflection to witness the departure from official life—at least temporarily—of one with whom I personally have been associated for so many years. But, I also am lifted by pride and satisfaction when reviewing the splendid career of my good friend and senior colleague from Oklahoma, Senator ELMER THOMAS.

When I served as an official in the Democratic Party and then as Governor of Oklahoma, I found ELMER THOMAS most effective and helpful in every way. This fruitful association first taught me the real significance and value of close and friendly cooperation between the State and Federal Governments.

And when I myself entered the Senate 2 years ago, I began to appreciate him even more. I came here as a freshman into a situation that was highly specialized. Much had to be learned with reference to procedure, rules, and methods of service.

I could always count on Elmer. He not only was available when I called on him, but he often volunteered helpful suggestions. He even told me about the Senate barber shop, and he showed me where it was. He gave me accurate information about the shaving mug I would get with my name on it. He also gave me some mighty wise counsel about the mug I brought with me. He said I would find the shaving mug readily available when I needed it, but that it reposed in safe obscurity when not in productive use. He warned me it would be the better part of wisdom to be just as certain that the mug I brought with me was needed before I insisted on using it. He convinced me that it also should spend much time in safe security.

The Nation long has rated ELMER THOMAS as one of the most influential Senators, a leader in farm legislation and money matters generally. But to

Oklahoma, directly benefiting in countless ways from his 24-year service in this body, ELMER THOMAS literally is Mr. United States Senator. For so long so many Oklahomans personally have come in contact with ELMER THOMAS, they just naturally think of him when there is reference to the United States Senate.

Tall, distinguished, silver-haired, he typifies the popular conception of a statesman, both in manner and appearance. His mental genius and his dynamic personality have more than matched his impressive physical bearing.

This unusual combination of talents, reinforced by willing hands, and a generous heart, has developed an almost unique career. The result is a record of service to both the State and Nation.

ELMER THOMAS came to Oklahoma on November 16, 1900, exactly 7 years before statehood. Both had vast dreams and the promise of a great future. The two grew and matured together. They influenced each other's course, and today, the story of ELMER THOMAS and the story of Oklahoma are closely entwined.

ELMER THOMAS developed a real affection and sentiment for his adopted State of Oklahoma. And, I know the citizens of our State reciprocate in full measure. Only last November, on the eve of the general election, this mutual feeling was dramatically demonstrated by his magnificent speech for the Democratic ticket and the fine reception it received.

Although he was defeated in the run-off primary, ELMER THOMAS came back to Oklahoma, and told the people that regardless of his defeat, he never would forget how good they had been to him all these years. And, he asked them to keep on being good to the Democratic ticket, even though he was not on it this time.

Well, I do not need to tell Senators that Elmer had never been more eloquent nor sounded better to us Democrats than on that occasion. And, from all results, the people liked him, too. The Oklahoma Democratic ticket did mighty well at the polls. Again, Elmer had helped do it.

ELMER THOMAS, indeed, has a permanent place in the hearts of Oklahomans. His official works for Oklahoma have made lasting history.

To give the Senate some idea of the amazing scope of his contributions to Oklahoma, the projects and improvements which ELMER THOMAS helped secure cost more than the current assessed valuation of our entire State. This includes our vital flood-control program in Oklahoma, which is protecting the soil and harnessing the water power for industry. His strong position on the Senate Appropriations Committee made him most valuable to his State in so many ways.

All in all, I think it is entirely accurate to say that in his 40 years as a legislator the successful efforts of ELMER THOMAS have boosted the development of our State more than those of any other single individual.

When there was a tough legislative problem, the tendency was to "let Elmer do it." He seemed always able to come

up with the answer. A letter he wrote, a conference he arranged, an amendment inserted—just a few lines in the right place. We let Elmer do it, and he always knew what to do. Yes, sir; I know the Oklahoma delegation is really going to miss the guidance and assistance of ELMER THOMAS.

All these years, in his quiet but most effective way, Senator THOMAS really got the job done. But he always felt that actions speak for themselves, and he never was one to dramatize himself.

Perhaps, in Oklahoma, we got so accustomed to having ELMER THOMAS do it for us we were inclined to take him for granted. Even here, where ELMER THOMAS has served so long with brilliance and distinction, I am sure that many of his colleagues would be amazed to hear the wide range of his manifold accomplishments.

The economic welfare of the American farmer generally has been advanced, and the working conditions of the American laborer improved, thanks to Senator THOMAS. He has been keenly aware of the importance of adequate purchasing power for the masses. It was on the stabilization of their income that he has tried to build a real and permanent prosperity for the Nation.

This basic objective took him into diverse fields of activity. For example, it was Senator THOMAS who originated the legislation for the devaluation of the dollar. President Roosevelt personally called him to the White House, embraced his idea, and threw the weight of the administration to insure its passage. This fiscal device netted nearly a \$3,000,000,000 profit for the Government, and, at the same time, contributed to equitable prices and a permanent stabilization of our economy.

As an active friend of labor Senator THOMAS was the father of the first 40-hour-week law. He authored the amendment which first legalized a standard workweek providing time and one-half for overtime. This particular bill, known as the Thomas 40-hour workweek, applied only to the employees of the Government Printing Office, but it paved the way for a general adoption.

ELMER THOMAS developed a skill for handling the highly complex problems of Government finance. He has shown an amazing insight into the basic principles which shape our whole economy. But ELMER THOMAS, the farmer's son from Indiana, learned his practical lessons about dollars and cents in the school of hard knocks.

Times were hard back there in Indiana, at the turn of the century. Farm prices were low, dollars scarce. No matter how hard a farmer worked, nor how many hours of toil that went into his crops, he just could not make enough to buy what he needed at the store.

ELMER THOMAS' well-known conviction about the necessity for agricultural parity took root back there in the difficulties he experienced, and the hardships he knew on the family farm.

Back in those boyhood days, encouraged by his mother, there budded the dream of a political career. And one

of the first things ELMER THOMAS hoped to do was to improve the lot of the farmer and give him a better life.

It seemed a faint hope for a poor farmer's son to make his own way in the outside world, secure an education, and climb the political ladder to the Nation's highest lawmaking body. ELMER THOMAS' father was a practical man, beset with the task of making a living, and he wanted his son to stick to the land.

Fate, however, sometimes intervenes strangely, and it was a weak physical condition which helped set ELMER THOMAS on his future career. Because he was unable to carry the load of field work, he became his mother's chief assistant. The two lived closely, and their daily association greatly affected his sensitive nature.

Like so many other great Americans he was inspired by a mother's glowing pictures of the outside world, and he was fortified by her words of wisdom and courage. Then and there, he determined he would get a college education, and that he would move on to the greater goals ahead.

As in so many of our success stories, ELMER THOMAS thrived on adversity. At 15, he graduated from country school, ready for college, but to spare his father's feelings, he did not make the break from home until the next year.

Thereafter, for 8 years, he divided his time between teaching and attending school. He earned several diplomas from Central Normal and from DePauw in Indiana. A graduate in law, in pedagogy, and in elocution, ELMER THOMAS also found time for a wide range of extracurricular activities. He served as editor of the university paper, and of the annual.

Already, he was showing the talents for leadership that later were to bring him victory at the polls and an outstanding career in public life.

ELMER THOMAS took what he had learned in the classroom and on the college campus and first began to apply it in his home territory. He displayed his oratorical ability on the political stump. He successfully promoted a bond issue for a system of badly needed gravel roads. Before he set out for new frontiers, ELMER THOMAS already had made a considerable reputation as a young man who was going places. But the free lands of the West were too inviting. So, the acorn that had been planted on the banks of the Wabash was transplanted to Oklahoma, and ELMER THOMAS was on the road to a new career in a new and virgin territory.

Almost exactly a half-century ago, ELMER THOMAS first arrived in Oklahoma City. His small capital of \$200 was vanishing, but young THOMAS was undaunted. He soon proceeded to the town of Lawton and drew for a homestead nest-egg.

At Lawton, ELMER THOMAS hung out his shingle to practice law, and he early began to work in the Democratic Party organization. His reputation for brilliance in the law and sagacity in politics spread rapidly. Soon, he was on his way.

At the opening of statehood, the district Democrats were engulfed in a controversy—and, incidentally we still have them. ELMER THOMAS was sought out as the compromise candidate for State senator, and he won an easy victory.

He soon came to the forefront at the State capitol, rising to the chairmanship of the important appropriations committee. A permanent capitol building, financed under his leadership, today stands as a monument to his resourcefulness and his practical ability. It is also symbolic of his pioneer role in the building of Oklahoma.

Senator THOMAS set about to make possible the fine new building without imposing a heavy burden of debt on the people. He discovered several odds and ends in the State treasury, left over from territorial days. He was thus able to scrape together \$550,000 which he got authorized with an additional appropriation of \$250,000 in two equal payments. This did the job.

Another significant achievement of ELMER THOMAS was his part in launching a permanent road program for Oklahoma. Again displaying thrift and wisdom in things financial, ELMER THOMAS opposed and helped defeat the \$50,000,000 road bond proposal. With this out of the way, the State could proceed to develop a great highway network on a pay-as-you-go basis. This set a pattern for the rest of the country, and today that is our established national policy.

From the State senate ELMER THOMAS went to the National House of Representatives for two terms, 1923-1927. Then he found the chance he had been awaiting all these years, and he struck out for the United States Senate. In 1926 he won the nomination of his party without difficulty and then he easily defeated the Republican incumbent who had been swept in by the Harding landslide.

At 50 years of age, he thus achieved the goal that had been constantly before him since early childhood. But, never pausing to rest on his laurels, ELMER THOMAS began diligently working toward a new goal—to become a skilled and effective United States Senator.

This persistent course led to the chairmanship of the Committee on Agriculture, and chairman of several subunits of the Committee on Appropriations. As head of the Defense Department appropriations subcommittee ELMER THOMAS was a commanding figure in building the great military machine which won one World War and is preparing us against the dangers of another.

His broad grasp, covering both domestic and international fields, led him to conceive numerous far-reaching solutions. For instance, he has promoted the plan to relieve American farm surpluses by distribution to our needy foreign allies.

But underlying his whole program has been his constant interest in the American farmer. He strove to keep up farm prices to the point that the farmer would realize the cost of production and a reasonable profit. He understood that farm prices are the lifeblood of our economy, and that without fair returns to the farmer the rest of the Nation

cannot prosper. As he often said, \$1 paid to the farmer will mushroom into \$7 for the national income.

As a friend of the farmer, Senator THOMAS pioneered in getting cheap electricity to the cross roads. In 1938, as a member of the Committee on Agriculture and Forestry, he helped develop and pass the law creating the Rural Electrification Administration, and as a member of the Committee on Appropriations he supported extensive funds to develop this program.

While assuming leadership on the broader national problems, Senator THOMAS also had a genius for keeping the ball rolling on local projects for his own State. Public buildings, airports, all kinds of improvement programs; he personally saw to their approval with aid from Uncle Sam.

Again and again, his realization of the importance of the development of natural resources has been demonstrated. As chairman of the subcommittee which handled the funds for Army engineers, he was able to help both his State and his Nation in this vital field.

The State of Oklahoma has Senator THOMAS to thank for finding a way to finance the great Grand River Dam and its hydroelectric power plant. By a stroke of the legislative pen, Senator THOMAS made it possible for the State Grand River Dam Authority in Oklahoma to obtain the necessary funds from the Federal Government.

This was done again by one of those "simple" amendments for which Senator THOMAS became noted. By the insertion of a "few words" in the "appropriate" place, Senator THOMAS had made available to the GRDA and two other like projects, \$70,000,000 in grants and \$22,000,000 in loans.

His ingenuity and his influence were brought into play in obtaining the first big irrigation project for Oklahoma, the W. C. Austin. In the face of rising construction costs at the beginning of World War II, he was able to get helping hands for the State from WPA labor. Then, in a final effort to hold down the farmers' repayment debt to the original \$2,000,000, he made the project eligible for Federal experimentation. This was done in another one of those little amendments which Senator THOMAS convinced his colleagues was appropriate language.

Senator THOMAS also secured funds for the building of the Fort Supply, Great Salt Plains, Hulah, Wister, Canton, Heyburn, Fort Gibson, Tenkiller, and Denison flood-control, hydroelectric, and irrigation projects, most all of which lie in Oklahoma.

Having served as chairman of the former Senate Indian Committee, Senator THOMAS was able to do much toward meeting some of our obligations to these first Americans. Only recently he put over legislation turning some \$3,000,000 in oil royalties from the south half of the Red River to the Kiowa, Comanche, and Apache Indians. He added an amendment to the bill authorizing sale of the Chickasaw-Choctaw coal lands in Oklahoma which recognized a treaty obligation, and as usual, he followed through to secure the nearly \$10,000,000 to pay the purchase price.

So it will be seen that if we got into difficulty in Oklahoma, whether it related to price supports for agriculture, taking care of the welfare of the Indians, or getting flood-control projects, or military installations, we just left it to ELMER. He knew the answers and went after them. Oklahoma and the Nation benefited.

It is with great pride and satisfaction that we review the results of a long and fruitful career. All these accomplishments, among many tangible evidences of his good work, will stand as a permanent monument to ELMER THOMAS. And this monument also will loom as a beacon to us, challenging us and guiding us to carry on the torch of democracy for a better and safer America.

Our good wishes, our warmest, friendliest feelings, go with ELMER THOMAS as he takes leave of this Senate and his long-time associates. I am happy to report that he will be near us in Washington, back to his first love, the private practice of law. While we continue here, still making the law, we hope that we shall see him often and that he may continue to give us the benefit of his wisdom and experience in these critical times.

TRIBUTE TO THE VICE PRESIDENT AND TO RETIRING SENATORS

Mr. CHAVEZ. Mr. President, this is the last day of this particular Congress. I wish to beg the indulgence of the Chair and also of the Senate while I very briefly express my opinion of you, sir, and of some of the Members who are about to leave us, and also of some of the Members who, through the kindness of a superior power, will still be with us.

Mr. President, I am most happy that I have been given the opportunity to serve in this body while you have been the President of the Senate. I believe that I understand American history; therefore, please believe me when I say that in my opinion you represent what is best in America and what best represents America. I am glad to have served with you.

I am glad to have served with the Senator from Tennessee [Mr. McKellar].

I am glad to have served with the Senator from Arizona [Mr. Hayden].

I am glad to have served in the past in the House of Representatives, with its Members. Notwithstanding any differences of political opinion, I am proud that all of us are Americans and are able to represent differences of opinion.

I am happy to have served with the Senator from Missouri [Mr. Donnell].

For 12 years I have known the Senator from South Dakota [Mr. Gurney]. We served on the Appropriations Committee. Possibly at times we have disagreed, but never was there any idea that his patriotism and loyalty were not as great as those of any other member of the committee. I am most happy for that; that is what makes service in this body worth while.

I realize with regret that we are about to lose some of the present Members of the Senate, including the Senator from Illinois [Mr. Lucas], simply because of the workings of American politics. Six years ago he defeated another candidate, as he did 12 years ago. Now he is about

to leave us. We shall miss him very greatly, and all of us love him.

Of course, I also dislike the fact that my friend, the Senator from Maryland [Mr. TYDINGS], will not return with us at the coming session. However, after all, the American people of the State of Maryland have a right to decide who shall represent them; that is not my right.

Of course, I also dislike the fact that my friend the Senator from Oklahoma [Mr. THOMAS] will not return. However, after all, the American people of Oklahoma have a right to decide that.

Also I dislike the fact that my friend the Senator from Utah [Mr. THOMAS] will not return.

Despite the fact that my friend the Senator from Missouri [Mr. DONNELL] will be succeeded by a man of my political faith, I still dislike to see Senator DONNELL leave the Senate.

Mr. President, I am simply trying to make clear that these changes are in accordance with the American way of doing things. Let us continue to live by the American system.

I thank the Chair.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 4266) to amend and extend title II of the First War Powers Act, 1941, with an amendment, in which it requested the concurrence of the Senate.

AMENDMENT OF FIRST WAR POWERS ACT, 1941

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4266) to amend and extend title II of the First War Powers Act, 1941, which was, on page 1, line 8, strike out the period and insert a semicolon and the following: "and such section 201 is further amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: 'Provided further, That all contracts entered into, amended, or modified pursuant to authority contained in this section shall include a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.'"

Mr. McCLELLAN. Mr. President, I move that the Senate concur in the amendment of the House. This is the war powers bill, reviving and extending the powers under title II of the First War Powers Act of 1941. The House has added this amendment to the bill as it was passed by the Senate a few days ago. I believe the amendment actually strengthens and further safeguards the powers granted in the bill as it was passed by the Senate. I approve of the amendment, and urge its adoption.

The VICE PRESIDENT. The question is on agreeing to the motion of the Sen-

ator from Arkansas that the Senate concur in the amendment of the House of Representatives to the bill.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield.

Mr. TAFT. As I understand, no action whatever is now proposed to amend or revive title I of the War Powers Act.

Mr. McCLELLAN. That is not involved in this measure. However, I may say to the Senator that there is such a proposal, and it is being considered—namely, to grant certain powers, at least.

Mr. TAFT. I would agree that certain powers, perhaps necessary for coordination of the work under Mr. Wilson, might well be granted. However, so far as this particular measure is concerned, that has been dropped, has it?

Mr. McCLELLAN. Yes; it is not involved in this proposed legislation.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

DEDUCTIONS FROM SEAMEN'S WAGES FOR EMPLOYEE WELFARE FUNDS

Mr. MAGNUSON. Mr. President, under a previous general agreement with Members on both sides of the aisle, I now move that the Senate proceed to the consideration of House bill 8349, Calendar No. 2627.

The VICE PRESIDENT. The bill will be read by title.

The LEGISLATIVE CLERK. A bill (H. R. 8349) to authorize deductions from the wages of seamen for payment into employee welfare funds.

Mr. AIKEN. Mr. President, I understand that if this measure is taken up, the Senator from Washington contemplates moving that the Senate reconsider the bill and disagree to the amendments heretofore agreed to by the Senate, and that the bill then be passed.

Mr. MAGNUSON. Yes.

Mr. AIKEN. I have no objection.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

Mr. WHERRY. Mr. President, I understand the distinguished Senator from Washington has moved that the bill be considered. Am I correct in that?

Mr. MAGNUSON. That is correct.

Mr. WHERRY. I want the RECORD to show that to be the case because on a previous occasion, at a late hour, the distinguished Senator asked unanimous consent that the bill be considered. At that time there was some thought of a calendar call. I then suggested that following the disposition of certain conference reports, it would be appropriate for him to move the consideration of this bill.

Mr. MAGNUSON. That is my understanding.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington to proceed to the consideration of the bill.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 8349) to authorize deductions from the wages of seamen for payment into employee welfare funds, which had been reported from the Committee on

Interstate and Foreign Commerce, with an amendment.

The VICE PRESIDENT. The amendments which have been heretofore proposed were agreed to previously.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the amendments heretofore adopted by the Senate be reconsidered and rejected, and that the House bill be passed without amendment.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. Without objection, the House bill, without amendment, is ordered to a third reading, read the third time, and passed. Without objection, the Senate bill is indefinitely postponed.

Mr. HOLLAND. Mr. President, the Senator from Louisiana [Mr. ELLENDER] left the request that an objection be made in his name if this bill were called up.

Mr. TAFT. The Senator from Louisiana is here.

The VICE PRESIDENT. The bill was taken up on motion, not by unanimous consent.

Mr. MAGNUSON. Mr. President, I desire to make a brief explanation of the bill. The Pacific-coast maritime groups, including the seamen, have made contracts and agreements in which they allow, with the consent of the seamen, a deduction from their wages. That is to say, by written consent of the seaman, a certain portion of his wages, along with the contributions of the employer, is used to set up a welfare fund, which, particularly in California, is mandatory under the law. Under the Federal law it is not clear whether seamen working offshore and in the Federal maritime could be subjected to these deductions. The only purpose of the bill is to allow the Pacific-coast maritime groups to do what is mandatory under the State law, and what they have agreed to, under all their agreements which have been signed, sealed, and delivered, and to bring the Federal law into line.

The bill, which has been approved by all segments of the maritime industry, was passed unanimously by the House. Heretofore it passed the Senate, with amendments. In view of the lateness of the hour and of the milder approach made by the House, we have arranged to accept the House bill without amendment. So far as I know, the only objection to the bill arose as a result of a proposed amendment offered by myself, which has now been withdrawn.

The VICE PRESIDENT. The bill has passed.

Mr. ELLENDER. Mr. President, will the Senator yield for a question?

Mr. MAGNUSON. I yield.

Mr. ELLENDER. I arrived late. As I understand, what the Senator proposed was the passage of the House version of the bill.

Mr. MAGNUSON. That is correct.

Mr. ELLENDER. I have no objection.

The VICE PRESIDENT. The House bill has already been passed.

SENATOR PEPPER'S REPORT ON WORLD CONDITIONS

Mr. HOLLAND. Mr. President, on Friday, December 22, my distinguished

colleague [Mr. PEPPER] made what I consider a most able and eloquent farewell address to the Senate. I regret exceedingly that I could not remain here for the whole of that address, by reason of the fact that I had reservations on a train for Florida which left before he had finished speaking. I wanted at this time to voice my appreciation, and the appreciation of the people of the State of Florida, for the cordial sentiments which were so ably expressed by several of my colleagues at the termination of the speech by my distinguished colleague. I believe that the Senator from Arizona [Mr. McFARLAND], the Senator from Oregon [Mr. MORSE], and the Senator from Kansas [Mr. SCHOEPP]—who, at the moment, occupied the chair—all expressed sentiments of appreciation of the service of my distinguished senior colleague, and of appreciation of the able speech which he had just made, as well as of affection for him personally.

Mr. President, may I say that I think my colleague has rendered a peculiarly distinguished and colorful service to our Nation and to our State during the 14 years of his representation of the State of Florida here—14 years which have been years of tremendous crisis for our Nation, and of unparalleled importance in the history of the world. I shall not attempt in these brief remarks to make any résumé of the distinguished career of my colleague, but I wanted to speak my own appreciation for all the cordial expressions, and all the courteous and kindly things he has done for me in the period of something more than 4 years that I have been privileged to serve with him as his junior colleague.

We have not always agreed on all matters, but I want to say there has never been manifested toward me by Senator PEPPER anything but complete cordiality and unflinching courtesy, which speaks best for a Senator who really understands what a high honor and responsibility it is to be a Senator in the truest meaning of the word. I feel that he has rendered outstanding service to our State and to our Nation, particularly in the humanitarian field, in which he has served so ably as a member of the Committee on Labor and Public Welfare; likewise, in the field of foreign relations, where he has served as a member of the Foreign Relations Committee.

It so happens that his farewell speech, which I think will be referred to for many years in the Senate and in the country for some of the observations which he made during a period of nearly 3 months of travel, going practically around the world, shows his breadth of grasp of international affairs and his feeling that our Nation is now in one of its most crucial periods, a period in which strong action and sturdy, united action is required on the part of all our people.

Mr. President, it goes without saying that I speak what is known to almost every man, woman, and child in our Nation, when I say that my distinguished senior colleague is without a peer in debate, whether as a Senator of

the United States or as a pleader before the highest courts of the land. His voice will be greatly missed in the Senate, where he has always been colorful, most effective, highly eloquent, and yet always most courteous in every expression, in every debate. My own admiration for him has been heightened by the complete poise which he has shown in maintaining constant courtesy, even under the most difficult situations and in the most heated debate, for those who have, and who have stated, different convictions from those which he held. Aside from his outstanding resourcefulness and oratorical quality as a great and eloquent debater, my distinguished colleague has been one of the hardest working men in the Senate of the United States, certainly during the 4 years that I have had the privilege of seeing him so intimately at work. Prior thereto, I had almost an equal opportunity, during the 4 years when I was serving our people in another capacity in Florida, but having of necessity to cooperate closely with those who represented our State in the Halls of Congress.

Senator PEPPER has worked indefatigably for the issues in which he believes, and insofar as his State is concerned, I do not see how any Senator could have been more zealous, more effective, more unyielding in his position than the people and the interests and the communities of his State should have from the Federal Government the consideration and attention to which he felt that they were entitled.

He has been fearless in the taking of positions, sometimes unpopular positions, but positions which his convictions approved.

I close by stating that it has been a privilege and a pleasure to serve with my distinguished senior colleague, and I am sure I speak for every Member of the Senate who has served with him when I state that he has been regarded by all his colleagues as being one of the most colorful, one of the most resourceful, one of the most devastating debaters as well as one of the most able proponents of any issue in which he believed, among all those who have ever stood upon the floor of the United States Senate.

TRIBUTE TO RETIRING SENATORS

Mr. NEELY. Mr. President, this, the last day of the Eighty-first Congress—this—

Parting day
Dies like the dolphin, whom each pang
imbues
With a new color as it gasps away,
The last still loveliest, till—'tis gone, and
all is gray.

But grayer far than the dead dolphin, and sadder far than the dreary light of waning moon is the rapidly approaching hour of separation from our retiring colleagues whom we shall never fail to cherish and never cease to love.

Unfortunately, the whirligig of politics, like that of time, brings in not only its revenges but also its sorrows and its sighs.

According to Fuller's seventeenth century volume entitled "The Worthies of England," Dr. William Butler was styled

the Aesculapius of his age. On a certain occasion he said:

Doubtless God could have made a better berry than the strawberry, but doubtless God never did.

Since the Almighty's arm is never shortened and His omnipotence is never impaired, He presumably could have made better United States Senators than those to whom we are about to say "good-bye". But, in my opinion, the great Creator has never made six more patriotic, diligent legislators than Senators LUCAS, of Illinois; MYERS, of Pennsylvania; PEPPER, of Florida; THOMAS of Oklahoma; THOMAS of Utah; and TYDINGS, of Maryland. These have all won for themselves conspicuous, permanent places in the great American hall of fame.

History's pages are burdened with examples of the sinful inflicting upon the sinless every species of punishment from death upon the cross to defeat at the polls. For discovering a new world that was destined to overshadow the old, Columbus was sent to prison in anguish and chains. The Athenians banished the illustrious Aristides because they had grown envious and weary of hearing him called the Just. Abel, because of his superior righteousness, was murdered by his wicked brother Cain. But for these and a legion of other similar well-known examples of human perversity and vile ingratitude it would be difficult for those who know the Senators mentioned to believe that their constituencies recently failed to reelect them to office. But let no hearts be troubled. A defeat at the ballot box is simply an obstruction on the highway of political life. And aspiring, wise, and worthy men transmute obstructions into stepping stones upon which to mount to the topmost heights of fortune and fame.

With reservations concerning matters of political philosophy about which the distinguished Senator from South Dakota [Mr. GURNEY] and the able Senator from Missouri [Mr. DONNELL], on the one hand, and I, on the other, have never agreed, let me wholeheartedly concur in all that was said of these eminent men an hour ago by "Mr. Republican"—the senior Senator from Ohio.

In existing circumstances, it is manifestly impossible to pay proper tributes to all upon whose present senatorial terms the curtain is about to fall forever. Therefore, let me speak briefly of the peerless orator, the matchless debater, the unsurpassable statesman—the beloved senior Senator from Florida [Mr. PEPPER]. During my 28 years' membership in the Senate and the House and my much longer period of studying American biography and history I never discovered anyone whom I considered superior in logic, eloquence, patriotism, and statesmanship to Senator CLAUDE PEPPER—the fortunate possessor of a profound mind, a silver tongue and a heart of gold. In the Senate he has been a tower of strength and a source of lofty inspiration to every lover of the right. He has been a gallant champion of every worthy cause. There are many reasons why he is particularly near and dear to

me. With the exception of the distinguished Vice President [Mr. BARKLEY], Senator PEPPER has made more campaign speeches in West Virginia for Democratic candidates for office than any other living nonresident of the Mountain State has ever made. He is the only one of the departing Senators who is a member of the Committee on the District of Columbia over which, as chairman, it is my present privilege, honor, and pleasure to preside. Through all the years that have passed since he and I first became acquainted he has been one of my most deeply appreciated, never-failing, never-faltering, faithful friends.

The able junior Senator from Florida [Mr. HOLLAND] a few moments ago specified a number of Senator PEPPER's rare and praiseworthy qualifications. But there are still others which he possesses in the highest degree. Some of these are poetically indicated by Oliver Wendell Holmes in the slightly modified, well-known lines:

To hear CLAUDE PEPPER laughing—you'd think he's all fun;
But the angels laugh, too, at the good he has done;
The children laugh loud as they troop to his call,
And the poor man that knows him laughs loudest of all!

Any place this man leaves will be poorer by reason of his going—no matter who his successor may be. The place to which he goes will become richer as soon as he arrives. My esteem and affection for this—

Hero who dost wield
The golden sword and burnished shield—
Shield of a comprehensive mind,
And sword to slay the foes of human kind—
is epitomized in the sonnet:

When, in disgrace with fortune and men's eyes,
I all alone bewep my outcast state,
And trouble deaf heaven with my bootless cries,
And look upon myself, and curse my fate,
Wishing me like to one more rich in hope,
Featured like him, like him with friends possess'd,
Desiring this man's art and that man's scope,
With what I most enjoy contented least;
Yet in these thoughts myself almost despising,
Haply I think on thee, and then my state,
Like to the lark at break of day arising
From sullen earth, sings hymns at heaven's gate;
For thy sweet love remember'd such wealth brings
That then I scorn to change my state with kings.

Mr. President, upon a monument in St. Michael's cemetery in Charleston, S. C., is the following remarkable epitaph:

JAMES LOUIS PETIGRU, JURIST, ORATOR,
STATESMAN, PATRIOT

Unawed by opinion, unseduced by flattery, undismayed by disaster, he confronted life with antique courage and death with Christian hope. In the great Civil War he withstood his people for his country; but his people did homage to the man who held his conscience higher than their praise; and his country heaped her honors upon the grave of the patriot, to whom, living, his own righteous self-respect sufficed alike for motive and reward.

It is my confident prediction that a hundred years from now the people of Florida and the Nation will gratefully erect a magnificent monument to commemorate forever the memory of CLAUDE PEPPER and on that monument will appear the identical substance of every stirring word and letter of the epitaph which proclaims the deeply lamented James Louis Petigru's deathless fame.

Senator PEPPER, regardless of the choice you make, the path you take or the task to which you turn, it will be our constant, fervent hope that you and all who are dear to you will be blessed with perfect health, unlimited prosperity and happiness, and the peace of God which passeth all understanding, to the end of your days. [Applause.]

TRIBUTE TO SENATOR LUCAS

Mr. DOUGLAS. Mr. President, I wish to join with my colleagues in paying tribute to my senior colleague from Illinois. Long before he came to Washington in 1934 he had made a distinguished record in our State. He was State's attorney of his county at an early age. He was the commander of the Illinois American Legion. He served four terms as national judge advocate of the American Legion.

In 1932 he ran for State office for the first time. He was a candidate for the Democratic nomination for the United States Senate. Although he did not win the nomination then, he won the admiration of virtually all Democrats in the State. In the next year when the Governor of Illinois, Henry Horner, was reorganizing the system of taxation of our State, he appointed my senior colleague chairman of the State tax commission. In this position, during the next year and a half, he made a notable record, especially in connection with the reform of the general property tax.

In 1934 the Speaker of the United States House of Representatives, the Honorable Henry T. Rainey died, and my senior colleague was nominated and was elected as his successor from the historic Twentieth District of Illinois. He served for 4 years in the United States House of Representatives, making a notable and distinguished record. While he customarily voted on the Democratic side of issues, he also did his own thinking, and on several issues, particularly in connection with the changes proposed in the Supreme Court, he opposed the programs of the party which he did not believe in his conscience to be correct.

In 1938, after a very hard primary fight, he was nominated as a Democratic candidate for the United States Senate. He was elected to this body in November of that year.

His record in the 12 years since then is known not only to all of us in the Senate, but to the country as well. He has served with distinction on a number of important committees of this body including those on Agriculture and Armed Services. On those committees he also worked for the best interests of the Nation regardless of party claims. His contributions to the preparedness of his country to resist totalitarian aggression during the period prior to and after Pearl Harbor have been excelled by no Mem-

ber of this body. His work to protect the security of America's farm families has been notable.

In recent years he has served on the Senate Committee on Finance, where his work has also been distinguished and progressive. And we are all familiar with the patient, yet persistent and effective way in which he has carried the heavy burdens of the majority leadership in these past 2 years.

No long eulogy is needed from me about the merits of SCOTT LUCAS. We all know him as an able Senator and majority leader, fair in spirit, courteous to his opponents, eager to get results, but considerate of all. In the past Illinois has sent many eminent men to this body. I am sure that the verdict of history will be that SCOTT LUCAS is in the very front rank. I can only add a personal word, that in the 2 years I have been here he has been a most considerate and generous colleague. We shall miss him in the Senate, but we know that his great services for the country will continue. [Applause.]

THE "LAME DUCK" CONGRESS—A DANGEROUS PRECEDENT

Mr. MALONE. Mr. President, in order to save the time of the Senate, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a brief statement which I have prepared.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE "LAME DUCK" CONGRESS—A DANGEROUS PRECEDENT

Mr. President, I do not want this "lame duck" session of Congress to come to an end without raising my voice against what I consider an evasion on the part of the administration leaders of the spirit of the law which was intended to put an end to "lame duck" legislation.

After much thought and study, Congress in 1933 passed the Norris amendment, the twentieth amendment to the Constitution, which was to eliminate decisions being made by Members who had been repudiated at the polls.

Ignoring the spirit and intent of the twentieth amendment, the administration leaders insisted upon this "lame duck" session in which to ram through certain administration measures. The administration obviously knew that it needed the votes of the repudiated "lame ducks" to do the job.

The result is that poorly prepared and little-considered legislation has been railroaded through this session—without permitting proper debate and consideration—three tremendously important measures being passed by this body without even a record vote: A \$20,000,000,000 appropriation, the excess-profits tax bill, and the bill to extend war powers to the President. All of these bills contain provisions little understood by the individual Members of Congress through lack of time for proper study and debate.

No good purpose could possibly be served by rushing this policy-making legislation through in December 1950 instead of January 1951, except to transfer and to confer powers to the executive branches not authorized and not intended by the Constitution of the United States.

The junior Senator from Nevada calls the attention of the Senate to this violation of the spirit of the constitutional amendment intended to eliminate exactly what we have

witnessed here during the past few unhappy weeks. Now is the poorest possible time for blithe evasion.

Mr. President, it is a dangerous precedent.

PERSONAL STATEMENT BY SENATOR
GURNEY

Mr. GURNEY. Mr. President, this is my last day in the Senate. I should like to say a very few words.

First, let me say that I am deeply grateful to the people of my great State of South Dakota for having given me the opportunity to serve as a Member of the United States Senate. After my service in the Senate, I have a profound conviction, greater than that which I had when I came here, that our kind of government is the best in the world; and I have a firm conviction that it will continue that way.

I regard it as a high privilege given to me by the people of South Dakota to serve here with others who have made up the membership of the Senate, including the two ladies who have been Members while I have been here during the past 12 years. I am taking away with me the richest possession any man ever had, the good wishes of Senators. I thank you all, and I wish you all personally the best of success and happiness. [Applause.]

GLEN H. TAYLOR, OF IDAHO

Mr. LANGER. Mr. President, I join my colleagues in all that has been said about Senators who are retiring. However, I cannot let the opportunity pass without saying a few words about my departing colleague, the Senator from Idaho [Mr. TAYLOR].

Only a Senator who comes from a State small in population can begin to understand the difficulties under which the Senator from Idaho has labored. One of his predecessors was the late Senator Borah. When one travels through the great Western State of Idaho, he finds that no matter who its Senators may be, the people of that State instinctively compare them to the late William E. Borah. That is a handicap under which every Senator coming from the State of Idaho suffers.

To my mind our colleague the Senator from Idaho represents something which no other Member of this body really represents. Nearly all his life he has had to make his living by working with his hands. Shortly before he made his successful race for the Senate he went to the west coast and took a job as a day laborer in a war industry. He worked hard from early in the morning until late at night. I believe that in this great body there are too few who have had the experience of getting up early in the morning and working until late at night, either upon the farm or as a day laborer.

I have watched the progress of my colleague in the Senate. I do not know of a single instance in which GLEN H. TAYLOR ever voted against the interests of the small man, the workingman, the small farmer, the tenant farmer, or the sharecropper. As he leaves here, he can hold his head high and throw out his chest, knowing that he has kept the faith.

PERSONAL STATEMENT BY SENATOR
TAYLOR

Mr. TAYLOR. Mr. President, I thank the Senator from North Dakota for his tribute. It is typical of his independence and fearlessness to speak out on any issue or subject which he feels he should discuss. I believe that the most important thing in our Nation today is that people should remember the principle on which our country was founded. Every man has a right to speak his mind. I am afraid there is beginning to be altogether too much "conformitism" in our country. I am reminded of an incident which happened many years ago when I was with a car show. It was called a car show because we had railroad cars and lived on the train. We had a tent in which to perform our plays.

An Italian trombone player joined the company. He had recently come from Italy. He could not speak English very well, but everyone accepted him. Possibly once in a while they made jokes at his expense. We got along fairly well until in one town the male members of the company were persuaded to join the Moose. Everyone joined the Moose except Vanny, the Italian. He was saving his money and sending it back to Italy, and he did not feel that he could afford the luxury of becoming a Moose.

After the other boys all became Moose and Vanny did not join, the other boys chose to kid Vanny a little. Every time he would approach a group who were talking, they would "clam up," as the popular saying goes, and gradually disperse, leaving Vanny standing alone. They were only kidding, but Vanny did not understand that. It was only a matter of a few weeks when one day Vanny was found on the station platform in his bare feet, jumping up and down. He literally broke the balls of his feet open. He was screaming "I want to be a Moosaboy." He had blown his top completely.

I am afraid there is too much in this country of wanting to "be a Moosaboy," wanting to go along with the popular idea of the moment. I have not done that. I have known, when I did certain things, that I was not doing what was politically expedient, so I have no excuses to offer for my defeat. At one time I stated on the floor of the Senate that I was going to vote my convictions, as though I never expected to come back. All I can say is that I did vote my convictions, and I did not come back.

PERSONAL STATEMENT BY SENATOR
THOMAS OF UTAH

Mr. THOMAS of Utah. Mr. President, it would indeed be ungracious on my part to sit longer and not at least say "thanks" to my colleagues for the wonderful words that have been spoken in behalf of those of us who, I am sure, today are thinking of the old expression "Hail and farewell."

I came to the United States Senate after having lived under various types of government. I knew what the American Government meant. I know now what it means not only to the people of the United States, but to the people of the

whole world. It seems to me that what has taken place here in the Senate this afternoon exemplifies one of the fine things about our Government.

The people's interests are vital, but at the same time friendships mean a great deal. What good is service to mankind if, for example, those who serve together cannot in some way or another evaluate the service and say whether it is wise or unwise?

When we consider the political life of the world we find that the associations in this body are extremely unique. America has been in existence now for a long time. Under the Constitution of the United States, which now is the mother of all constitutions, we are no longer a young country. Where in the world do we find parties still to be the amateur affairs they are in the United States? In a country where the parties are professional in their nature the loss of an election has a different meaning than it has in this country. Here, the loss of an election does not affect the fundamentals upon which our country is based. Therefore, we should really and truly evaluate America's representative Government as it exists, and realize above all things that, no matter what theory one may have as a member of the Republican Party or as a member of the Democratic Party, no matter what theory one may have in regard to such a thing as a social compact, whether it be historical or not, the Declaration of Independence probably will be forever America's great symbol of liberty.

It is by that knowledge we live, and under it we have the type of government which is the hardest for men to live under, because we think of and work constantly for the advancement of the individual, yet strive for unity in a land where freedom of speech and freedom of the press are guaranteed.

It is hard to live under our type of Government. When people, by common consent, do not live up to its ideals, things happen which are disastrous, and as was foretold by the philosophers of old, another kind of government comes into being. I do not think the other type of government is coming to America. I believe our land is stronger than it ever was. I believe the people of the world realize what America means as they never realized it before.

Mr. President, I appreciate beyond words my associations here. It is a very great honor for a man to be called by his people to serve them here; it is a unique honor, which has no counterpart elsewhere in the world today. The friendships which come from association here are lasting.

I shall always remember the things which have been said about those of us who are leaving. No matter in what capacity I may serve in the future or in what capacities my colleagues who leave here today may serve, or if we serve in no capacity, I trust we may all remain worthy of the things which have been said about us here today. [Applause.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Snader, its assisting reading clerk, announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 297. Concurrent resolution providing that the two Houses of Congress shall adjourn on Tuesday, January 2, 1951, and that when they adjourn on said day they stand adjourned sine die; and

H. Con. Res. 298. Concurrent resolution providing that notwithstanding the sine die adjournment of the two Houses, the Speaker of the House of Representatives and the President of the Senate be authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 3295) to amend the Railway Labor Act and to authorize agreements providing for union membership and agreements for reductions from the wages of carriers' employees for certain purposes and under certain conditions, and it was signed by the Vice President.

PERSONAL STATEMENT BY THE VICE PRESIDENT

The VICE PRESIDENT. Prior to laying before the Senate the concurrent resolution coming from the House the Chair would like to take advantage of the opportunity to join the Senators who have spoken in regard to the circumstances of the departure today of some of our colleagues, particularly because two of the Senators who are leaving this body came into it at the same time I entered it 24 years ago.

Woodrow Wilson once remarked, speaking of men in public life, "Some men grow and others swell." In my long service in the House and in the Senate, I have seen few men swell. I would not say that I have not observed one now and then. But most of them have grown, because most thoughtful men who take their duties here seriously, coming in contact with the intellectual and personal and political factors which enter into our Government, cannot fail to grow in their knowledge of the Government and in their determination to serve the country which has honored them by membership here.

The rewards of service in this Chamber are not financial. I dare say there is not a Member now here, whether he remains or leaves, who could not, if working as hard and as diligently in private profession or business, make infinitely more money than he draws as his salary for service in the Senate. The real compensation of one who is a Member here grows out of the pride and the belief that he is serving his country. It may be an illusion in a sense, but even if it is an illusion, it is a delightful one, because it helps to bolster up a man's faith in himself and his faith in his country.

When I entered the Senate, on the 4th of March 1927, there came over from the House five Members, the others being the Senator from Arizona [Mr.

HAYDEN], the Senator from Oklahoma [Mr. THOMAS], the Senator from Maryland [Mr. TYDINGS], and the Senator from Missouri, Mr. Hawes. Senator Hawes' people were born in Kentucky, as so many Missourians were. The county seat of Hancock County, Ky., is named Hawesville after the family of Harry Hawes. I came along with that class. Senator Wagner came in at the same time, but he came from the bench in New York.

Twenty-four years is a long time out of a man's life to serve in any body. The changes that have taken place in politics leave only one member of that class now as a Member of the Senate, the Senator from Arizona [Mr. HAYDEN]. I am neither in the Senate nor of it, but I am merely hanging around. I am taking advantage, with the consent of the Senate, of this opportunity to say a word or two, because two Members of this class, leaving only one remaining, are taking their departure due to the vicissitudes of politics.

This is a great body. It is the only remaining body in the world where men may speak freely. Some of us sometimes think Members speak too freely and too long, but really the Senate is the one forum of free debate in the world today where men may at their will express their views, their convictions, and try to impress them upon their colleagues and upon the country.

So, as the President of the Senate, I join in the tributes which have been paid to our colleagues who are leaving us. I do so without regard to politics. Here we make friendships which endure. They are not delineated by the middle aisle. Some of my warmest and most cherished friends since I have been a Member of this body have been Republicans, and I have had the pleasure of feeling that those friendships have been mutual.

The Senate has already adopted a resolution nullifying the resolution which brought us into this Chamber back in August. Since we are to depart from this Chamber today, not to return to it for a long time, if ever, I am prompted to remind Senators of the historic importance of this great Chamber, in which we in the Congress have worked twice, and from which we shall depart this afternoon.

Not only has this Chamber been great as a forum for debate and eloquence and statesmanship in the formative periods of our country, but it is rich in personal histories and anecdote and tradition. When Andrew Jackson and Thomas H. Benton were young men in Nashville, Tenn., they fought, not a regular duel, but a pistol battle on the streets. One of them fell back over a bannister into a basement, and that fall may thus have saved his life. Thereafter Thomas H. Benton went to Missouri. Later he became a Member of the Senate of the United States, and here he met Andrew Jackson, who then also was a Senator. Andrew Jackson subsequently resigned from the Senate and returned to Tennessee, where later he took the command of troops. Later on, when Andrew

Jackson was President, Thomas H. Benton was his great spokesman in the Senate; and in this Chamber, Thomas H. Benton moved to expunge from the Journal of the Senate a scurrilous resolution in regard to Jackson, which, some time before that had been adopted by the Senate.

Henry Clay and John Randolph, of Roanoke, fought a duel over a debate in the House of Representatives which one of them regarded as insulting. They went across the Potomac River to what is now Rosslyn, Va., and fought a bloodless duel. For years thereafter they did not speak to one another. One day Henry Clay was going down a footpath which led from the Capitol to what is now Peace Monument, and Randolph was coming up the same path, which was too narrow for two men to pass on it. They met, glared at each other. Randolph sneered, "I never get out of the way of a damn scoundrel." Clay replied, "I always do," and stepped out of the way, and let Randolph pass. Years later, when it was announced that Clay would address the Senate from his desk in this Chamber, John Randolph, who by then had become an invalid, asked that he be carried on a stretcher into this Chamber, in order that he might hear Clay's last speech.

I have mentioned those two episodes, involving Andrew Jackson and Thomas H. Benton and Henry Clay and John Randolph of "Roanoke," in order to illustrate what has already been said more beautifully: That no matter how bitter we may become, no matter how aroused in behalf of some particular cause we may become, no matter how acrimonious may be the debate in this Chamber or in the other Chamber, there is always that residue of gentlemanliness and courtesy and recognition of the rights of others which usually brings the participants back together in friendly embrace in behalf of their country and of our own. Those things happened in this Chamber, which some of us are about to leave.

The only Vice President of the United States who ever resigned, John C. Calhoun, who was Vice President under Andrew Jackson, resigned from the desk at which I am now sitting. I hope no one will take any hope from that episode. [Laughter.]

So the Senate of the United States 92 years ago this month moved out of this Chamber into the Chamber which it has occupied at the north end of the Capitol Building for that length of time, and to which it will return tomorrow.

Heretofore I have said that I regard with some pride the fact that when the Senate moved out of this Chamber, 92 years ago, a Kentuckian, John C. Breckinridge, was Vice President of the United States, and when it moves out again today a much lesser Kentuckian, but no lesser in appreciation than was John C. Breckinridge, will move with it.

I have mentioned these things, and could mention many others associated with this Chamber, because I cherish the desire that we preserve these historic places where American history has been

made, where the battles for liberty have been fought, and where we delight in beautiful thoughts of the memories of those who have served here and the traditions they have established through their consecrated devotion to public duty. I think those who serve here today, although perhaps not always so colorful as were Clay, Webster, and Calhoun, are just as able, just as sincere, and just as devoted to the welfare of their country as those great statesmen were.

The problems which faced the Federal Government in their day were infinitely fewer in number and in importance, in a sense, than are those which face us today. It was easy for them, during the vacation periods of the Congress, to prepare great speeches, which have gone down in our history and are now in the books of oratory. No one knows whether if those men had had facing them the multiplicity of problems and questions which face Senators today and to which they must devote detailed and meticulous attention, they could ever have made such speeches as those which adorn the oratorical volumes of that era of our history. That matter is speculative, and there never will be an answer to that question.

I have wished to say these few words not only in tribute to our departing colleagues, with whom I have served, and whom I have honored, and whose views I have respected, even though I have not always agreed with them—it would be a monotonous world if everyone agreed about everything—but also to refer briefly to some of the events which have occurred in this Chamber in years long since passed and to some of the glorious traditions which have been established here. Those are some of the great events which have occurred in our development into a great Nation; and those traditions, if we adhere to them, will continue to make us a great Nation.

When I was a boy in college, we used to have a debating society where frequently we debated the question, "Resolved, that the signs of the times point to the downfall of the Republic." [Laughter.] That was a long time ago. I recall that some of the politicians who used to come to my home town to speak at the courthouse, in the course of political campaigns, would re-echo the feeling that the old ship of state was just about gone and was about to sink, largely because of domestic conditions which they described as unfavorable to the continuation of liberty and of our Nation as such.

Since that day we have grown in power, in wealth, in population, and in influence. We have grown also in the liberties we enjoy despite the fact that now and then we are told that we have lost all of them or are about to lose them. Today our danger does not come from within, although we are not a perfect democracy or a perfect republic, and we have in our system inequalities which from time to time we try to correct, and should correct. Today the great danger to us as a people and as a Nation comes from beyond the shores of the United

States. It is a real danger. However, as we have overcome dangers in the past century and a half of our growth, development, and cooperation, in spite of wars, injustices, inequalities, and deficiencies here and there, and we have grown stronger with each battle to overcome them; so, in the providence of Almighty God and by His direction and with cooperation among ourselves, we will win the battle of the future and will preserve this great Nation and hand it down to our posterity as strong and as free as it was when it came to us from the hands of our forefathers.

[Applause, Senators rising.]

SUMMARY OF LEGISLATIVE RECORD OF SECOND SESSION, EIGHTY-FIRST CONGRESS (S. DOC. No. 248)

Mr. LUCAS. I ask unanimous consent to have printed in the RECORD a supplemental summary of the legislative record of the Eighty-first Congress, second session, from November 27, 1950, to adjournment, and that it be printed as a Senate document.

The VICE PRESIDENT. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

The legislative summary is as follows:

SUPPLEMENTAL SUMMARY OF THE LEGISLATIVE RECORD, EIGHTY-FIRST CONGRESS, SECOND SESSION, FROM NOVEMBER 27, 1950, TO ADJOURNMENT

ACCOMPLISHMENTS Appropriations

Appropriation	Estimate	Amount approved	Savings
SECOND SUPPLEMENTAL			
Legislative		\$38,000	
State, Justice, Commerce, Judiciary	\$18,237,000	15,725,000	\$2,512,000
Treasury-Post Office	27,361,000	27,156,000	205,000
Labor-Federal Security	175,000	10,175,000	
Interior	3,300,000	3,300,000	
Independent Offices	2,986,429,000	2,982,854,000	3,575,000
Defense Establishments	16,845,181,000	16,795,181,000	50,000,000
District of Columbia	1,337,500	1,337,500	
Claims and judgments	6,983,938	6,983,938	
Total	19,887,666,938	19,841,412,938	46,254,000

¹ Not included in total. Tentative figures.

ECONOMIC STABILIZATION Antimonopoly

H. R. 2734: This legislation amends what is commonly known as the Clayton Act passed in 1914 to supplement the Sherman Act of 1890. This amendment will bar a corporation from acquiring the physical assets of a company if, by so doing, it would lessen competition while, under the present law, a corporation is prohibited from acquiring the stock of such a corporation. (Public Law 899. Approved December 29, 1950.)

DISTRICT RENT CONTROL

Senate Joint Resolution 209: This legislation extends the present rent-control law, 592, in the District of Columbia until March 31, 1951. (Public Law 883. Approved December 21, 1950.)

NATIONAL RENT CONTROL

Senate Joint Resolution 207: This resolution extends the present national rent-con-

trol law, 574, until March 31, 1951. Such an extension will give the Congress an opportunity to make a thorough and complete study of the problem. (Public Law 880. Approved December 20, 1950.)

INTERNATIONAL RELATIONS

Aid to Yugoslavia

S. 4234: This act authorizes that not more than \$50,000,000 of ECA funds, already appropriated, may be earmarked to provide aid to Yugoslavia. Most of this assistance will be in the form of food and is being provided to assist the Yugoslavs in their efforts to avoid economic disaster and thereby maintain their independence.

LABOR

Railway employees—Union membership

S. 3295: This legislation amends the Railway Labor Act, approved May 20, 1926, as amended, to permit a carrier or carriers, and any labor organization or organizations, authorized to represent employees in accordance with the requirements of that act, to make agreements (1) providing, subject to certain limitations, for the union shop (required membership in a labor organization); and (2) providing for the check-off (deduction from wages for payments of dues, etc.).

NATIONAL DEFENSE

Navigation laws—Waiver

H. R. 9681: In order to expedite the movement of troops and supplies to the Korean war front, it has been found necessary to enact legislation to direct the head of each department or agency responsible for the administration of the navigation and vessel inspection laws to waive compliance of the laws, at the request of the Secretary of Defense or upon his own initiative, if he feels such action is necessary in the interest of national defense. (Public Law 891. Approved December 27, 1950.)

FEDERAL CIVIL DEFENSE ACT OF 1950

H. R. 9198: This act will establish in the executive branch of the Government a Federal Civil Defense Agency designed to provide a plan of civil defense for the protection of life and property in the United States from an enemy attack. The responsibility for civil defense is to be shared by the Federal Government and the States. The Federal Civil Defense Agency will provide necessary coordination, prepare national plans and programs, and assist and encourage the States in civil defense planning.

PUBLIC WORKS

H. R. 9893: This act authorizes the Secretaries of the Army, Navy and the Air Force to construct public works urgently needed for defense purposes, such as—

1. Facilities for Army field force stations.
2. Special weapons project.
3. Construction in Alaska.
4. Operational support facilities, training facilities, research and development and test facilities within the continental United States.
5. Aircraft control and warning system.

EXTENSION OF TITLE II OF THE FIRST WAR POWERS ACT, 1941

S. 4266: This legislation will reactivate title II of the above-mentioned act for the present national emergency, to be terminated June 30, 1952. Due to the state of national emergency, authority to let contracts through negotiation can be exercised and this act grants authority to modify contracts after they have been entered into. In order to cope with the present emergency and avoid delays in production, the defense agencies needed this additional authority to modify existing contracts in order to afford relief to small business firms who might be prevented from completing deliveries on such contracts because of increased costs.

SOCIAL WELFARE

Interstate gambling

S. 3357: The purpose of this act is to support the basic policy of the States, which outlaw slot machines and similar gambling devices, by prohibiting the interstate shipment of such machines except into States where their use is legal. The foreign import or export of the machines is prohibited and their manufacture, possession, and use is forbidden in localities, such as the District of Columbia, where the Federal Government is primarily responsible for enforcement of the criminal laws.

TAXATION

Taxes—Excess profits

H. R. 9827: This act provides for raising revenue by levying, collection, and payment of a corporate excess-profits tax which will produce approximately \$3,300,000,000 for the calendar year 1950 (retroactive to July 1, 1950), and approximately \$4,000,000,000 to \$5,000,000,000 for the calendar year 1951. The surtax on corporate returns is increased by 2 percent on the regular corporate income tax, or to 47 percent, on incomes in excess of \$25,000; with no increase in the corporate normal tax rate on incomes of \$25,000 or less.

This act imposes an additional excess-profits tax rate of 30 percent which, together with the regular corporate normal tax and surtax, represents a total of 77 percent; however, the combined rate cannot exceed 62 percent of the corporation's income. The corporation is given a choice of the higher of two alternative bases in determining what proportion of its income is subject to excess-profits tax; the primary credit, which is an average earnings credit based on average income for the 4-year period 1946 to 1949; the alternative is a credit based on the rate of return on "invested capital."

Tax penalties

H. R. 9913: This act prevents penalties and additions to taxes in cases where individuals have failed to meet estimated tax requirements by reason of increases imposed by the Revenue Act of 1950. This act removes the necessity for a reestimate of a tax declaration by January 15, 1951.

Taxes—Armed services

House Joint Resolution 554: This resolution extends the time for filing tax returns by soldiers and others connected with the armed forces in Korea, or in other combat areas, until 180 days after their return to the United States; also, postpones the payment of their taxes during this period.

Servicemen—Transportation tax

H. R. 9840: This act exempts personnel of the United States Army, Air Force, Navy, Marine Corps, Coast Guard, and authorized cadets and midshipmen traveling in uniform from the tax on transportation while on furlough. (Public Law 878. Approved December 15, 1950.)

TRANSPORTATION

H. R. 5967: This act will amend the Interstate Commerce Act, as amended, in order to clarify the status of freight forwarders. This act will clearly recognize freight forwarders as common carriers and will authorize the continuance of contracts between freight forwarders and common carriers, by motor vehicle, under certain regulations specifically set forth. (Public Law 881. Approved December 20, 1950.)

VETERANS

Benefits for disabled

S. 4229: This act extends the benefits of Public Law 16, Seventy-eighth Congress, to those persons who suffered a disability incurred in or aggravated by service during a period beginning June 27, 1950, the date of

the beginning of the Korean campaign, and ending at a time not yet determined. Only those cases entitled to wartime rate of compensation for disability incurred under the circumstances provided for under certain special provisions of Veterans Regulation No. 1, or those who would be entitled to such compensation if they were not receiving retirement pay, will benefit by this particular act. This law permits the disabled veteran to undertake any type education or training for which he has an aptitude and interest. (Public Law 894. Approved December 28, 1950.)

AMVETS—Membership

S. 4254: This legislation will permit those men serving with the United Nations forces in the Korean action to join the AMVETS, if they so desire. (Public Law 896. Approved December 28, 1950.)

American Legion—Membership

S. 4240: Opportunity for membership in the American Legion is extended to all persons who served in the naval or military services of the United States during any of the following periods and honorably discharged: April 6, 1917, to November 11, 1918; December 7, 1941, to September 2, 1945; June 25, 1950, to the end of hostilities. (Public Law 895. Approved December 28, 1950.)

CONFIRMATION OF POSTMASTER
NOMINATIONS

Mr. JOHNSTON of South Carolina. Mr. President, as in executive session, I submit from the Committee on Post Office and Civil Service a report covering the nominations of 14 postmasters. I ask unanimous consent for the immediate consideration of the nominations which have been unanimously reported by the committee, and approved by the two Senators from each State particularly interested in the nominations.

The VICE PRESIDENT. Is there objection?

Mr. LANGER. Reserving the right to object, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LANGER. Does the list include any one from North Dakota?

Mr. JOHNSTON of South Carolina. No—and no one from South Carolina, either.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc, and without objection, the President will be notified.

TRIBUTE TO SENATOR PEPPER

Mr. MURRAY. Mr. President, like all other Members of this body who have the privilege of being here this afternoon and listening to the many beautiful tributes paid to departing Members, I have been deeply affected by the remarks which were made. A short time ago I placed in the RECORD a tribute to a departing member of the Committee on Labor and Public Welfare, the distinguished Senator from Missouri [Mr. DONNELL]. I now wish to offer a tribute to the distinguished Senator from Florida [Mr. PEPPER], and to read it into the RECORD.

A TRIBUTE TO SENATOR CLAUDE PEPPER

On this, the last day of the second session of the Eighty-first Congress, we, the members of the Senate Committee on Labor and

Public Welfare, pay tribute to our esteemed colleague, Senator CLAUDE PEPPER, of Florida. His retirement from the United States Senate, after 14 years of distinguished service, saddens us.

His distinguished talent as a lawyer, his profound grasp of constitutional issues, his courage and ability to meet the problems of the American people with honesty and intelligence, have earned him our respect and admiration. We have had the privilege and pleasure of being associated with him, and we know that his contributions toward the public good are now firmly imbedded in the legislative annals of the United States Government. We will long remember him with warm, deep, and affectionate regard as a gentleman, a patriot, and an outstanding legislator. It is in recognition of these qualities that we, his colleagues on the Senate Committee on Labor and Public Welfare, join in this tribute to our distinguished senior Senator from Florida.

Mr. President, I also ask to have printed in the RECORD, at this point, the remarks which I made at a dinner tendered to Senator PEPPER by his colleagues on August 15, 1950, at the Hotel Statler.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

My friends, we have come here tonight to pay our respects and express our sentiments of friendship and affection for our friend and colleague of many years, CLAUDE PEPPER.

We have been closely associated with our distinguished friend for many years. We admire him for his great ability, and we love him and are attached to him for his simple modesty and his kindly, friendly spirit.

He has been the soul of honor and fairness in all his dealings with his fellow Senators, and so we have come to have a very sincere admiration and affection for our friend whom we honor here tonight.

It seems like only a few brief years since Claude came to Washington. The years have flown with lightning-like speed for this is his fourteenth year to serve his State in the Senate.

During those 14 years we have greatly enjoyed and have benefited from our association with him. We have come to know him intimately and to recognize all his fine traits of character, his courage, and tenacity of purpose—his willingness to stand for the right on every issue, regardless of consequences.

The 14 years CLAUDE PEPPER has been with us here in the Senate have been the most exciting and thrilling in our lives. More important events, domestic and international, have been crowded into these 14 years than in any similar period in the history of our country.

When we look back over the record we are proud to see what the liberal Democratic membership in the Congress has accomplished, and we recognize the conspicuous part CLAUDE PEPPER has performed in that accomplishment. We have sponsored a long program of liberal, constructive legislation, to the great benefit of our country and our people.

In every program for the correction of the evils that had developed in our economic and political system, Claude had a leading part. He threw caution to the winds, and forgetting all danger to his political fortunes, he supported every valid progressive measure designed to better our country and rescue it from the dangers that threatened it.

Senator PEPPER's work for Florida is impressive. I can't begin to list the vast number of measures affecting agriculture, industry, labor, rivers and harbors, military and naval installations, airports, aid to education,

school and hospital construction, health and social security, and like programs from which the State of Florida has immensely benefited.

In the realm of national and foreign affairs, legislation for the defense and general welfare of our country, he has been one of the really constructive leaders in the Senate. The measures that he sponsored and fought for in committees and on the floor comprise a long list of progressive legislation enacted in the Senate during the years he has been here—a record of which he can be justly proud. His brilliant arguments on the floor were responsible in a large degree for the enactment of many of these liberal measures.

But Senator PEPPER was too brave a man, too conscientious in his regard for genuine democratic principles, too honest and consistent in respecting human rights, to be permitted to represent a State where reactionary interests could employ great wealth and a controlled press to deceive the public in its election campaigns.

A real hoax seems to have been perpetrated upon the good people of Florida. That State is about to lose a Senator who accomplished much for its development, for its economic advancement, prosperity, and for the welfare of its people. There is no question about this—the record demonstrates it.

So Florida is about to lose a great Senator, a great Democrat, a man of courage who represented the highest traditions of Americanism; and we will lose an able, conscientious colleague. He was defeated by false propaganda and the corrupt use of great wealth, defeated by a biased press, by slander and by falsehood spread over his State at great cost.

The question may be raised: How are we going to meet this sort of political sabotage in the future? It can happen to any of us. But, my friends, this is not the time or place to solve that question. We are here tonight for the purpose of honoring our friend and opening to him our pent-up feelings of friendship and affection. We will always be for him in any course he may undertake. We will wish him Godspeed and good luck in all his future years.

Let us hope that he may return to us and continue to fight with us for a better tomorrow.

I know you are all anxious to express your sentiments, so I'll take up your time no longer.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1281) to amend the Federal Airport Act so as to make the United States share of costs for land acquisition the same as for other project costs.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5244) for the relief of Lt. Col. Charles J. Trees, Army of the United States.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 5244. An act for the relief of Charles J. Trees;

H. R. 9798. An act to authorize a Federal civil-defense program, and for other purposes; and

H. R. 9920. An act making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes.

SINE DIE ADJOURNMENT

The VICE PRESIDENT laid before the Senate House Concurrent Resolution 297, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Tuesday, January 2, 1951, and that when they adjourn on said day they stand adjourned sine die.

Mr. LUCAS. Mr. President, I ask unanimous consent for the immediate consideration of the concurrent resolution.

The VICE PRESIDENT. Is there objection to the request of the Senator from Illinois?

There being no objection, the concurrent resolution (H. Con. Res. 297) was considered and agreed to.

AUTHORIZATION FOR SPEAKER OF HOUSE AND VICE PRESIDENT TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS AFTER ADJOURNMENT

The VICE PRESIDENT laid before the Senate House Concurrent Resolution 298, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That, notwithstanding the sine die adjournment of the two Houses, the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

Mr. LUCAS. Mr. President, I ask unanimous consent for the immediate consideration of the concurrent resolution.

The VICE PRESIDENT. Is there objection to the request of the Senator from Illinois?

There being no objection, the concurrent resolution (H. Con. Res. 298) was considered and agreed to.

PERSONAL STATEMENT BY SENATOR PEPPER

Mr. PEPPER. Mr. President, like the other recipients of the sentiments of tender farewell which we have heard today, I do not trust myself with endeavoring to say very much, lest I evoke from my heart manifestations unbecoming to this great deliberative body. But, Mr. President, I do want the Senator from West Virginia, the Senator from Montana, and other Senators, who have spoken so generously, to know that forever imbedded indelibly upon my memory in gratitude will be the generous sentiments they have expressed here today; and I am most grateful that they were willing to do so.

Mr. President, the greatest of the privileges of coming to be a United States Senator is the immeasurable satisfaction and exhilaration which comes from association with the Members of the United States Senate. I know of no attachments that we form that are more lasting and are more meaningful to us than those that are bound around our hearts here in our association one with another. My term began November 4, 1936, but I was sworn in, in January 1937. Joe Robinson, of Arkansas, was the great

Democratic leader at that time, and I can still seem to feel around me the presence of Pat Harrison and all those others on both sides of the aisle, who have gone on to their reward, who were, in my own time, the adornments of this distinguished body. It will be a little difficult tomorrow, for those of us who do not come back, to feel that we are not still Members of this, the greatest of associations, here. But we will all be sustained by the memories of our long friendships; we will all have a feeling that you and we are still one as fellow citizens of our great country.

I want to express particularly my gratitude to my distinguished junior colleague for what he has said here today. He has said truly that we have not always voted alike, but never has there been a cloud to cast a shadow upon our friendship or our mutual respect and esteem. I am grateful to the people of my great State that, in three elections, they have honored me with their confidence, and allowed me the great privilege, in periods of crisis in our country's history, to have one small voice in the Senate of the United States.

Mr. President, as I said, when I came here in 1937, we were in the midst of a depression, and there were some who despaired that the economy of this great country might ever again rise with vigor and strength and power; and yet, today, we are told that we are producing 50 percent more than in 1940. We have not yet approximated the zenith of glory and greatness and grandeur that America will eventually achieve. And so those who doubted have surely had their doubts dispelled and they have been given every reason for confidence in our country.

Only a few days ago my wife and I took a trip in a Navy boat around Pearl Harbor, and there one sees the *Arizona*, and another great battleship, the *Utah*. One of them has scores of American bodies still pinned beneath it, in their watery grave; the other has more than 1,000 Americans still entombed where a dastardly Japanese attack cast them. America's future looked dreary to us all that day, December 7, 1941. How, with our Navy, eight battleships and eight cruisers, knocked out of activity and operation, could we hold against the fearful forces advancing against us? Yet, now, Mr. President, our power is immeasurably greater than it was then. We went on to the greatest victory in all our history. Today there are some who wonder what will be the outcome of this struggle in which we are now engaged, for I think all of us agree that it is the most difficult we have ever faced.

Yet one has only to read the lessons of history to know that people when on the side of God and good finally won out. I have no fear about what will be the outcome of the present contest whatever the duration.

I add but one further condition to our victory and it has been well illustrated by what has been said here today. If men remain true to their own consciences and to their country, surely we can have

no doubt about the future. The advice of Polonius to Laertes—

To thine own self be true,
And it must follow, as the day the night,
Thou canst not then be false to any man—

Is just as true today as it was when the advice was given, and it applies to Senators as to citizens.

If Senators will go before the electorates standing for something; advocating what in their own consciences seems right; and not just seeking to be reelected; if they do not bend their consciences to the adverse winds of public opinion; when they think that opinion wrong, then they remain patriots, and then only, in the conflict of many counsels, will we come to a common course that will save our country and our kind of a world.

I read only last night the splendid article in Life magazine telling about the Peloponnesian War. It is when statesmen dare not tell their fellow countrymen the truth, dare not be true to their country, that their country collapses and their democracy perishes. I am sure that this illustrious Senate will not fail, in the future to observe the great traditions of the past.

I wish to say that if I have during my service offended any of my colleagues by any words I may have uttered which were not appropriate to the sentiments of affection and esteem which I bore, and now bear, for every Senator, they were the fruit of the moment's excitement, and not from an unfriendly heart, and I ask forgiveness for any offense I may have committed.

I wish to say to the distinguished occupant of the Chair that I am grateful for the privilege of having served under him as Democratic leader, and now as the Vice President of the United States. No one ever led better and more nobly than did he, and I likewise pay tribute to his illustrious successor, our esteemed friend, the senior Senator from Illinois [Mr. LUCAS], who followed in his footsteps as the leader on the Democratic side.

And now, Mr. President, in this season, may I say, God bless America, God bless the United States Senate, God bless every United States Senator.

[Great applause, Senators rising.]

PERSONAL STATEMENT BY SENATOR LUCAS

Mr. LUCAS. Mr. President, although I addressed the Senate earlier in the day, I feel that I would be recreant to an overpowering impulse if I left this hallowed Chamber this afternoon without expressing to the Members of the Senate my sense of deep gratitude for the kindness and cordiality and generosity they have exhibited in my behalf, and for the many kind things they have said about me.

Particularly do I desire to assure the Vice President of the United States of my deep affection. While I have been acting as majority leader during the past 2 years he has always been extremely kind and considerate and generous in his counsel and his advice in connection with many intricate and delicate problems and policies.

Nothing could have pleased me more than to have had the distinguished and eminent senior Senator from Tennessee [Mr. McKellar], who has served this body longer than any other Member, take the floor of the Senate, as he did earlier today, and express such admiration of me and my leadership as he voiced. The expressions of the Vice President and the expressions of the Senator from Tennessee will live long in my memory, as among the most greatly enjoyed tributes ever paid to me either in public or private.

Of course, Mr. President, I am also grateful to the other Members of the Senate, and especially to my distinguished and brilliant and courageous colleague, PAUL DOUGLAS. My association with him during the past 2 years has been on the highest plane. He cooperated with me on almost all occasions, and it was a pleasure to serve with him during my term as leader.

Mr. President, I now say once again, farewell and God bless everyone.

[Great applause, Senators rising.]

CONFIRMATIONS IN THE JUDICIARY

Mr. LUCAS. Mr. President, some nominations which have been reported by the Committee on the Judiciary unanimously, I understand, are now on the desk. I ask unanimous consent that they may be considered at this time as in executive session.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will state the first nomination.

EVERETT M. GRANTHAM

The legislative clerk read the nomination of Everett M. Grantham, of New Mexico, to be United States attorney for the district of New Mexico.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

MARTIN LOPEZ

The legislative clerk read the nomination of Martin Lopez, of New Mexico, to be United States marshal for the district of New Mexico.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

JOHN PATRICK HARTIGAN

The legislative clerk read the nomination of John Patrick Hartigan, of Rhode Island, to be United States circuit judge, first circuit.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

EDWARD L. LEAHY

The legislative clerk read the nomination of Edward L. Leahy, of Rhode Island, to be United States district judge for the district of Rhode Island.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

Mr. MAGNUSON. Mr. President, we have today heard many fine and deserved tributes paid to departing Senators. One of them, the recent junior Senator from Rhode Island, Mr. Leahy, a man of great distinction, who served

a short time in the Senate under appointment, could not be present today. I know the Senate is happy to honor him, as we have honored other Senators, by unanimously confirming his nomination to be United States district judge in the great State of Rhode Island. He served with some of us on the Committee on the Judiciary, he is a lawyer of distinction, and I know he will be a judge of great caliber.

The VICE PRESIDENT. The clerk will state the next nomination.

ALFRED E. MODARELLI

The legislative clerk read the nomination of Alfred E. Modarelli, of New Jersey, to be United States district judge for the district of New Jersey.

Mr. SMITH of New Jersey. Mr. President, neither my colleague, the junior Senator from New Jersey [Mr. HENDRICKSON] nor I oppose the nomination of Mr. Modarelli, but I wish to make an announcement in regard to this matter. At the beginning of the next session of the Senate I propose to discuss at the appropriate time the whole subject of judicial appointments, which has come to my attention particularly in connection with the pending nomination.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

ADJOURNMENT SINE DIE

Mr. LUCAS. Mr. President, in accordance with the terms of House Concurrent Resolution 297, I move that the Senate stand adjourned sine die.

The motion was agreed to; and (at 2 o'clock and 58 minutes p. m.) the Senate adjourned sine die.

ENROLLED BILLS SIGNED AFTER SINE DIE ADJOURNMENT

Pursuant to House Concurrent Resolution 298, Eighty-first Congress, second session, the President pro tempore, after sine die adjournment, signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 1122. An act relating to children born out of wedlock;

S. 1281. An act to amend the Federal Airport Act so as to make the United States share the costs for land acquisition the same as for other project costs;

S. 4266. An act to amend and extend title II of the First War Powers Act, 1941;

H. R. 7303. An act to amend section 120 of the Internal Revenue Code; and

H. R. 8349. An act to authorize deductions from the wages of seamen for payment into employee welfare funds.

ENROLLED BILLS PRESENTED AFTER SINE DIE ADJOURNMENT

The Secretary of the Senate on today, January 3, 1951, presented to the President of the United States the following enrolled bills:

S. 1122. An act relating to children born out of wedlock;

S. 1281. An act to amend the Federal Airport Act so as to make the United States share the costs for land acquisition the same as for other project costs; and

S. 4266. An act to amend and extend title II of the First War Powers Act, 1941.

APPROVAL OF SENATE BILLS AFTER SINE DIE ADJOURNMENT

The President of the United States, subsequent to the sine die adjournment of the Senate, notified the Secretary of the Senate that he had approved and signed acts of the following titles:

On January 2, 1951:

S. 3357. An act to prohibit transportation of gambling devices in interstate and foreign commerce; and

S. 3699. An act for the relief of Linda Leo.

On January 3, 1951:

S. 2888. An act for the relief of Frances Ethel Beddington;

S. 3044. An act for the relief of Berniece Josephine Lazaga;

S. 3259. An act for the relief of Ethelyn Isobel Chenalley;

S. 3554. An act for the relief of Jose Manzano Somera;

S. 3966. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Forest Lumber Co.; and

S. 3967. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Algoma Lumber Co., and its successors in interest, George R. Birkelund and Charles E. Siddall, of Chicago, Ill., and Kenyon T. Fay, of Los Angeles, Calif., trustees of the Algoma Lumber Liquidation Trust.

On January 4, 1951:

S. 3241. An act for the relief of George Brander Paloheimo and Eva Leonora Paloheimo.

On January 9, 1951:

S. 1281. An act to amend the Federal Airport Act so as to make the United States share of costs for land acquisition the same as for other project costs;

S. 2460. An act for the relief of George O. Drucker, Livia Drucker, and their minor daughter, Gloria Elizabeth Drucker;

S. 2981. An act for the relief of Giuseppe Merlinet Forgnone;

S. 3125. An act for the relief of Dr. Lutfu Lahut Uzman; and

S. 3378. An act for the relief of Armando Santini.

On January 10, 1951:

S. 3260. An act for the relief of Richard H. Bush;

S. 3261. An act for the relief of Willard Sidmer Ruttan;

S. 3295. An act to amend the Railway Labor Act and to authorize agreements providing for union membership and agreements for deductions from the wages of carriers' employees for certain purposes and under certain conditions; and

S. 3945. An act to amend sections 3052 and 3107 of title 18, United States Code, relating to the powers of the Federal Bureau of Investigation.

On January 11, 1951:

S. 1122. An act relating to children born out of wedlock.

On January 12, 1951:

S. 1139. An act for the relief of Mrs. Robert P. Horrell; and

S. 4266. An act to amend and extend title II of the First War Powers Act, 1941.

NOMINATIONS

Executive nominations received by the Senate January 2 (legislative day of November 27, 1950) 1951:

UNITED STATES ATTORNEY

Everett M. Grantham, of New Mexico, to be United States attorney for the district of New Mexico. He is now serving in this office under an appointment which expired August 8, 1950.

UNITED STATES MARSHAL

Martin Lopez, of New Mexico, to be United States marshal for the district of New Mexico, vice Felipe Sanchez y Baca, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 2 (legislative day of November 27, 1950), 1951:

UNITED STATES CIRCUIT JUDGE

John Patrick Hartigan, of Rhode Island, to be United States circuit judge, first circuit.

UNITED STATES DISTRICT JUDGES

Alfred E. Modarelli, of New Jersey, to be United States district judge for the district of New Jersey. (New position.)

Edward L. Leahy, of Rhode Island, to be United States district judge for the district of Rhode Island.

UNITED STATES ATTORNEY

Everett M. Grantham, of New Mexico, to be United States attorney for the district of New Mexico.

UNITED STATES MARSHAL

Martin Lopez, of New Mexico, to be United States marshal for the district of New Mexico.

POSTMASTERS

IDAHO

Leland W. Stanford, Saint Anthony.

MISSOURI

Nelson Maness, Stark City.

Maurice G. Lentz, Sumner.

MONTANA

Francis I. Adams, Livingston.

NEW JERSEY

Charles D. Tingley, Washington.

NEW YORK

Fred S. Richardson, Westfield.

WISCONSIN

Richard P. Koenigs, Campbellsport.

Richard E. Graichen, Coloma.

Norman W. Helgoe, Durand.

Leora C. Zieger, Lake Beulah.

Robert E. Myers, North Freedom.

Robert C. Davenport, Okauchee.

Fred J. French, Prescott.

John G. Stoffel, Richland Center.

HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 2, 1951

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Almighty God, we pray that as we continue our journey into the new year, all the difficult problems of each day and all the adventures of the unknown tomorrows may be illumined and glorified with the light and power of the lofty ideals and principles of truth and righteousness.

May we daily walk in the ways of godliness and goodness, meeting our tasks and responsibilities with calmness and courage, with wisdom and clear judgment, with faith and hope, and in faithfulness and in the fear of the Lord.

Grant that in our plans and efforts to withstand and conquer the evil forces of aggression and aggrandizement, we may

never place our confidence solely in the primacy of human ingenuity, and in the might of our manpower and material resources, or in the help that our allies and the freedom-loving nations may be able and willing to give.

We pray that in these days of crisis and emergency when we are filled with a sense of our insecurity and inadequacy and fears and forebodings haunt our hearts, we may enter into an alliance and compact with the King of Kings and Lord of Lords, whose strength is invincible.

May the souls of God-fearing men and nations everywhere be aflame with a passion to bring in the day of peace and brotherhood.

Hear us in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Woodruff, its enrolling clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 556. Joint resolution to authorize the President to issue posthumously to the late Walton Harris Walker, lieutenant general, Army of the United States, a commission as general, Army of the United States, and for other purposes.

PERMISSION TO FILE MINORITY VIEWS

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that the minority members of the Select Committee on Lobbying Activities may have until noon tomorrow to file minority views to accompany the majority report.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDING TITLE II OF THE FIRST WAR POWERS ACT, 1941

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4266) to amend and extend title II of the First War Powers Act, 1941, as amended.

The Clerk read the title of the bill.

The Clerk read as follows:

Be it enacted, etc., That section 201 of the First War Powers Act, 1941 (55 Stat. 838) is hereby amended by striking out the words "the prosecution of the war effort" and the words "the prosecution of the war", appearing in such section, and inserting in lieu of each stricken provision the words "the national defense"; and such section 201 is further amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: "Provided further, That all contracts entered into, amended, or modified pursuant to authority contained in this section shall include a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving